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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, 1945 Supp., 927.1 et seq., 11 F. R. 11115), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (60 Stat. 237) a public meeting was held at New York, N. Y., on December 11, 1946, to consider certain proposed amendment to the rules and regulations which were issued under said order, as amended, effective November 1, 1945 (7 CFR, 1945 Supp., 927—Appendix A) Following such meeting and on December 19, 1946, the market administrator of said order, as amended, issued the tentative amendment, set forth in Appendix A attached hereto and made a part hereof, to the aforesaid rules and regulations. Due consideration having been given to the data, views, and arguments presented at said public meeting, the aforesaid tentative amendment to the said rules and regulations is hereby approved and shall be effective on and after the 1st day of February 1947.

It is hereby found and determined that the effectuation of the terms and provisions of said order, as amended, requires that the tentative amendment become effective February 1, 1947, and that the publication of this approval and the tentative amendment in the FEDERAL REGISTER thirty days prior to said effective date, as provided in the Administrative Procedure Act, is impracticable, unnecessary, and contrary to the public interest.

The aforesaid tentative amendment will replace the temporary amendment to the said rules and regulations which was issued effective October 1, 1946 (11 F. R. 11266) Copies of the tentative amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42d Street, New York, N. Y.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq., 7 CFR, 1945 Supp., 927.1 et seq.)

Done at Washington, D. C., this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Appendix A—Rules and Regulations Issued by Market Administrator

Amending rules and regulations which became effective on November 1, 1945 (7 CFR, 1945 Supp., 927—Appendix A.)

1. Delete paragraphs (q) and (r) of section 1 and insert, in lieu thereof, the following:

(q) "Other concentrated milk products" mean the products named and described as follows:

(1) Malted milk products, products which are made by combining milk or other products containing butterfat with liquid separated from mash of ground barley malt and wheat flour, with or without the addition of other products, and by removing water. They shall contain not more than 40 percent moisture and not more than 15 percent butterfat.

(2) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5 percent moisture.

(3) Sweetened, part skim, condensed milk, the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 5 percent but less than 8 percent butterfat, not less than 28 percent total milk solids and not less than 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

2. Delete the first sentence of section 3 and insert, in lieu thereof, the following: "As used in this section, the terms Class I-A, Class II-A, Class II-B, and Class V-A are deemed to exclude any such classification based on some product leaving or on hand at the plant in some form other than milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or other than cultured or flavored milk drinks shipped to or distributed in the marketing area."

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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3. Delete subparagraph (2) of section 3 (b) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled plain condensed milk shall be assigned pro rata, as far as possible, to the classes, except Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B.

4. Delete subparagraph (2) of section 3 (c) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled cream shall be assigned pro rata, as far as possible, to the classes, except Class I-A, Class II-A, and Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B, as far as possible, then to Class II-A, and finally to Class I-A.

5. Delete subparagraph (2) of section 3 (d) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled milk, including nonpooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to the classes, except Class I-A, Class II-A, and Class II-B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II-B, as far as possible, then to Class II-A, and finally to Class I-A.

[F. R. Doc. 47-646; Filed, Jan. 22, 1947;
8:48 a. m.]

PART 975—MILK IN THE CLEVELAND, OHIO,
MARKETING AREA¹

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order regulating the handling of milk in the Cleveland, Ohio, marketing area, hereinafter referred to as the "order," it is hereby found and determined that § 975.6 (d) (3) of such order does not tend to effectuate the declared policy of the act.

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; and (2) the issuance of this suspension-order effective as specified below is necessary to the effectuation of the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is therefore ordered, That paragraph (d) (3) of § 975.6 Minimum prices of the order be and it hereby is suspended effective at 12:01 a. m., e. s. t., January 20, 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of January 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-647; Filed, Jan. 22, 1947;
8:45 a. m.]

Chapter XI—Production and Market-
ing Administration (War Food Dis-
tribution Orders)

[WFO 63, Amdt. 5]

PART 1596—FOOD IMPORTS

RESTRICTIONS ON IMPORTS OF CERTAIN FOODS

War Food Order No. 63, as amended (10 F. R. 8950; 11 F. R. 2630, 8828), is further amended to read as follows:

§ 1596.1 Food imports—(a) Definitions. (1) "Consignee" means the person to whom a food is consigned at the time of importation.

(2) "Administrator" means the Administrator of Production and Marketing Administration, United States Department of Agriculture.

(3) "Food" means an item or commodity listed from time to time in Appendix A as being subject to this section.

(4) "Governing date" with respect to any food means the date when such food first became subject to War Food Order No. 63 as shown in Appendix A.

¹ 11 F. R. 8207, 8828.

(5) "Import" means to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or insular possession of the United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country.

(6) "In transit" means that food (i) is afloat, (ii) has had an on-board ocean bill of lading actually issued with respect to it, or (iii) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands.

(7) "Owner" of any food means any person who has any property interest in such food except a person whose interest is held solely as a security for the payment of money.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(b) Restrictions on imports—(1) General restriction. No person, except as authorized in writing by the Administrator, shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A to this section after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food.

In the issuance of authorizations, the Administrator shall act in accordance with the standards and guides set forth in paragraph (e) of this section.

(2) Application for authorization. Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent of any of them, shall make application therefor on Form WFO-63-2 or such other form as may be issued for this purpose by the Administrator, addressed to the Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Ref: WFO 63. Unless otherwise expressly permitted, such authorization shall apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Administrator.

(3) Restrictions on financing. No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this section, unless such

bank or person either has received a copy of the authorization by the Administrator under the provisions of paragraph (b) (2) of this section or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraphs (b) (4) and (b) (5) of this section.

(4) *Exceptions.* Unless otherwise directed by the Administrator the restrictions set forth in this paragraph shall not apply.

(i) To any United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation, or to any food which any United States Governmental department, agency, or corporation sells or otherwise transfers to a person at the time of importation; or

(iii) To food which on the governing date was in transit; or

(iv) To food consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00; or

(v) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than \$100.00; or

(vi) To food consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) To food grown, produced, or manufactured in the continental United States, or food imported into the United States, which, after being shipped outside the continental United States for storage only, is returned to the United States; or

(viii) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(ix) To food which is located in, and which has been grown, produced, or manufactured in Canada, Mexico, Guatemala, or El Salvador and transported therefrom into the continental United States overland, by air, or by inland waterway. This exception shall not, however, extend to food which is marked with the designation (1) in Appendix A.

(x) To food produced in the territories of Alaska and Hawaii or insular possessions of the United States, provided each shipment is accompanied by a certificate issued by a duly designated officer of the Department of Agriculture specifically excepting such shipment.

(5) *Imports into Puerto Rico and the Virgin Islands.* (i) The restrictions of this section:

(a) Shall not apply to inter-island shipments of food between Puerto Rico and the Virgin Islands;

(b) Shall not apply to imports of food into Puerto Rico or the Virgin Islands from the continental United States;

(c) Shall apply to any shipment of food listed in Appendix A which originates in a foreign country and simply passes through the continental United States en route to Puerto Rico or the Virgin Islands; and

(d) Except as provided in subdivision (c) of this subdivision, shall apply to imports into Puerto Rico or the Virgin Islands only with respect to food which is marked with the designation (2) in Appendix A.

(ii) This section shall not affect any regulations now or hereafter issued by any governmental authority covering shipments of food from the continental United States to Puerto Rico and the Virgin Islands.

(c) *Restrictions after importation.* Unless otherwise provided by the terms of the authorization (or amendments thereof) issued pursuant to paragraph (b) (2) of this section, any food which is imported in accordance with the provisions of this section after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this section; but all such transactions shall be subject to all applicable provisions of the regulations, orders, and directions of the United States Department of Agriculture which now or hereafter may be in effect with respect to such food.

(d) *Change of commodities listed in Appendix A.* The Administrator may from time to time add or remove commodities from Appendix A, *Provided*, That, in so doing he shall follow the standards and guides set forth in paragraph (e) of this section.

(e) *Standards and guides.* In the issuance of authorizations, and in the addition or removal of commodities from Appendix A to this section, the Administrator shall follow these standards and guides:

(1) He shall be satisfied that in the absence of such action the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of materials or facilities for defense or for private account or for export;

(2) He shall take into consideration the following factors: the allocation, if any, of such food by the International Emergency Food Council; the effect of the importation of such food on the procurement of strategic materials; the availability of shipping facilities for the importation of such food; and

(3) In the issuance of authorizations, the Administrator shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

(f) *Records and reports—(1) Reports on customs entry.* No food which is imported after the governing date, including food imported by or for the account of any United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO 63-1. The filing of such form a second time shall not be required upon any subsequent entry of such food through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any

food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: WFO 63.

(2) *Records and other reports.* The Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Administrator's discretion, in the enforcement or administration of the provisions of this section.

(g) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspection of the books, records, and other writings, premises, or stocks of imported foods of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless instructions to the contrary are issued by the Administrator, be addressed to the Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Ref. WFO 63.

(i) *Revocation.* Any import authorization issued hereunder may be revoked at any time by the Administrator. Such revocation shall not affect food in transit at the time of revocation.

(j) *Petition for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(k) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making deliveries of, or using any food covered by this section which is subject to allocations or priority control by the Secretary of Agriculture. In addition, any person who wilfully violates any provision of this section is guilty of a crime, and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section. The Administrator may direct the disposition and use of any food which is imported

without authorization as required by paragraph (b) of this section.

(l) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of this section are hereby delegated to the Administrator. The Administrator is authorized to re-delegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(m) *Effect on liability of removal of food from order.* The removal of any

food from this section shall not be construed to affect in any way any liability for violations of this section which accrued or were incurred prior to the date of removal.

(n) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., January 21, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action or other proceeding with

respect to any such violation, right, liability or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

E. O. 9280, December 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 17th day of January, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

APPENDIX A—ITEMS SUBJECT TO WFO 63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (June 1, 1943). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

| Food | Commerce import class number | Governing date | Food | Commerce import class number | Governing date |
|--|------------------------------|----------------|--|------------------------------|----------------|
| Babassu nuts and kernels..... | 2239.100, 2239.150 | Nov. 13, 1944 | Oil cake and oil cake meal—Continued | | |
| Babassu nut oil..... | 2237.100 | Do. | Hempseed ¹ | 1119.700 | Nov. 13, 1944 |
| Beans, dried, except fava and mung beans. ^{2,3} | N. S. O. | Do. | Other n. s. p. f. ¹ | 1119.900 | Do. |
| Beef and veal, pickled or cured. ^{1,2} | 002.9000 | Do. | Oil seed ¹ | 0029.200 | Do. |
| Beef, canned, including corned beef. ^{1,2} | 0023.000 | Do. | Oil seed cake ¹ | 0029.200 | Do. |
| Beef, fresh, chilled or frozen. ^{1,2} | 0018.000 | Do. | Palm kernel oil..... | 2243.000 | Do. |
| Beet sugar. ¹ | 1539.700-1539.900 inclusive. | Nov. 13, 1945 | Palm nut kernels..... | 2239.500 | Do. |
| Butter..... | 044.000 | Nov. 13, 1944 | Palm oil..... | 2243.000 | Do. |
| Cane sugar. ¹ | 1610.700-1610.900 inclusive. | Do. | Peanut (ground nut) oil..... | 1427.000 | Do. |
| Castor beans..... | 2231.000 | July 23, 1945 | Peanuts, shelled or not shelled. ¹ | 1327.000, 1328.000 | Do. |
| Castor oil..... | 2230.000 | Do. | Peas, dried, ripe and split, excluding maple peas. ^{1,2} | 1197.000, 1198.000 | Do. |
| Cocoa, sweetened..... | 1502.300, 1502.900 | Do. | Pork, fresh, chilled or frozen. ^{1,2} | 0020.100, 0020.500 | Do. |
| Cocunut oil..... | 2242.000 | Do. | Pork, hams, shoulders, bacon, sausage, prepared, cooked, boned, canned, etc. ^{1,2} | 0020.900, 0031.900 | Do. |
| Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specially provided for. | 2230.120 | Do. | Repeated oil, denatured and not denatured. ¹ | 2242.000, 2243.000 | Do. |
| Copra..... | 2232.000 | Nov. 13, 1944 | Rice: ¹ | | |
| Corned beef hash. ^{1,2} | 1423.100, 1423.200 | Do. | Paddy. ¹ | 1031.000 | Do. |
| Cottonseed oil, crude, refined..... | 1423.100, 1423.200 | Do. | Uncleaned or brown rice. ¹ | 1031.100 | Do. |
| Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified: | | | Cleaned or milled rice. ¹ | 1033.000 | Do. |
| Cottonseed oil..... | 2230.200 | Do. | Patna rice, cleaned, for use in canned soups. ¹ | 1034.000 | Do. |
| Linseed oil..... | 2230.210 | Do. | Rice meal, flour, polish and bran. ¹ | 1039.100 | Do. |
| Soybean oil..... | 2230.230 | Do. | Broken. ¹ | 1039.200 | Do. |
| Other, not elsewhere specified..... | 2230.240 | Do. | Salmon, canned, not in oil, or in oil and other substances. ^{1,2} | 0037.100 | Feb. 15, 1945 |
| Fish, other canned. ^{1,2} | 0063.600-0063.700 inclusive. | Feb. 15, 1945 | Sardines, in oil or in oil and other substances. ^{1,2,3} | 0033.200, 0033.200 | Nov. 13, 1944 |
| Not in oil, or in oil and other substances..... | 0067.900 | Do. | Sardines, and other herring, canned (including smacks, fillets, roll-ups and sprats). ^{1,2,3} | 0037.700 | Feb. 15, 1945 |
| Flaxseed (linseed). ¹ | 2233.000 | Do. | Soup and soup powder. ¹ | 8711.000-8719.000 inclusive. | Do. |
| Herring, canned, smoked or kippered or in tomato sauce. ^{1,2} | 0067.600 | Do. | Sugar, beet. ¹ | 1839.700-1839.900 inclusive. | Nov. 14, 1945 |
| Lamb, fresh, chilled or frozen. ^{1,2} | 0022.000 | Do. | Sugar, cane. ¹ | 1610.700-1610.900 inclusive. | Feb. 15, 1945 |
| Lard, (including rendered pork fat). ^{1,2} | 0036.000 | Do. | Sugar-containing products containing cane or beet sugar in any quantity or containing in any quantity any ingredient in which cane or beet sugar was used in the manufacture of the ingredient. ¹ | N. S. O. | Nov. 13, 1945 |
| Lard compounds and lard substitutes made from animal or vegetable oils and fats. ^{1,2} | 0038.100 | Do. | Sunflower oil, edible and denatured. ¹ | 1421.000, 2247.000 | Nov. 13, 1944 |
| Linseed oil, and combinations and mixtures, in chief value of such oil..... | 2234.000 | Do. | Sunflower seed. ¹ | 2240.000 | Do. |
| Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (including liver paste). ^{1,2} | 0032.900 | Nov. 13, 1944 | Syrups, molasses, sugar-containing solutions, and sugar mixtures, edible, derived in whole or in part from sugar or sugar cane, irrespective of sugar, invert sugar, or non-sugar content, whether added to or derived from the product, n. e. s. ¹ | N. S. O. | Nov. 14, 1945 |
| Milk, condensed..... | 0040.100 | Do. | Tallow, beef and mutton, including also stock. ¹ | 0023.000 | Nov. 13, 1944 |
| Molasses and sugar syrup. ¹ | 1639.400-1639.900 inclusive. | Do. | Tallow, beef and mutton (inedible), including also stock. ¹ | 0316.000 | Do. |
| Mutton, fresh, chilled or frozen. ¹ | 0021.000 | Do. | Ten, not specially provided for..... | 1321.000 | Do. |
| Oil cake and oil cake meal: | | | Tuna fish, in oil or oil and other substances. ^{1,2} | 0063.200 | July 20, 1945 |
| Coconut or copra. ¹ | 1111.000 | Do. | Tung oil (China wood oil) | 2241.000 | Nov. 13, 1944 |
| Soybean. ^{1,2} | 1112.000 | Do. | Veal, fresh, chilled or frozen. ^{1,2} | 0019.000 | Do. |
| Cottonseed. ¹ | 1114.000 | Do. | | | |
| Linseed. ¹ | 1115.000 | Do. | | | |
| Peanut. ^{1,2} | 1119.600 | Do. | | | |

¹ See paragraph (b) (5) (ix).

² See paragraph (b) (6) (i).

³ Governing date Nov. 18, 1944, except as covered by (b) (5) (ix) for which governing dates are as follows:

Beans, dried, except fava and mung beans, July 23, 1946.

Beef and veal, pickled or cured, Nov. 15, 1945.

Beef, canned, including corned beef, Nov. 15, 1945.

Beef, fresh, chilled or frozen, Nov. 15, 1945.

Chickpeas and garbanzos, dried, July 23, 1946.

Corned beef hash, Nov. 15, 1945.

Lamb, fresh, chilled or frozen, Nov. 15, 1945.

Meats, canned, n. e. s. and prepared or preserved meats, n. s. p. f. (including liver paste), Nov. 15, 1945.

Mutton, fresh, chilled or frozen, Nov. 15, 1945.

Peas, dried, ripe and split, excluding maple peas, July 23, 1946.

Pork, fresh, chilled or frozen, Nov. 15, 1945.

Pork, hams, shoulders, bacon, sausage, prepared, cooked, boned, canned, etc., Nov. 15, 1945.

Veal, fresh, chilled or frozen, Nov. 15, 1945.

⁴ Except if produced in Norway.

[WFO 16, as amended, Termination]

PART 1407—DRIED FRUIT

RAISINS AND ZANTE CURRANTS

War Food Order No. 16, as amended (11 F. R. 9065) is hereby terminated effective as of 12:01 a. m., p. s. t., January 18, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 16, as amended, prior to the effective time of this termination action, all provisions of the said War Food Order No. 16, as amended, in effect prior to the effective time of this termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding in regard to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-644; Filed, Jan. 22, 1947;
8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 510—GENERAL REGULATIONS OF WASHINGTON NATIONAL AIRPORT

This part of the regulations of the Administrator of Civil Aeronautics was originally made effective on September 26, 1941. Since that date the Washington National Airport has undergone some physical alterations and has experienced an increased volume of air traffic and of other aviation activity. Because of these reasons and due to experiences gained in operating this airport since September 26, 1941, it has become necessary to revise this part by alteration, rewording and rearrangement of certain sections, and by making a few minor changes in substance. This part, as now revised, including such alterations, rewording, rearrangement, and changes, was submitted to and discussed with interested persons at an informal public hearing held for that purpose, notice of which (hearing) was published in the FEDERAL REGISTER. All data, views and arguments, oral and written, submitted by interested persons pursuant to such notice or at such public hearing were considered in this revision of Part 510.

Now, therefore, acting pursuant to the authority vested in me by act to provide for the administration of the Washington National Airport (54 Stat. 686-688), I hereby revised Part 510 of the regulations of the Administrator of Civil Aeronautics to read as follows:

The purpose of Part 510 of the regulations of the Administrator of Civil Aeronautics is to establish and adopt general rules and regulations for the care, operation, maintenance, and protection of the Washington National Airport.

| Sec. | Definitions. |
|---------|--|
| 510.1 | General rules and regulations. |
| 510.2 | Airport administrator. |
| 510.20 | Restricted areas. |
| 510.21 | Particular areas. |
| 510.210 | Observation terrace and balcony. |
| 510.22 | Conduct of business or commercial activity. |
| 510.23 | Soliciting. |
| 510.230 | Taxicabs. |
| 510.231 | Advertisements. |
| 510.232 | Commercial photography. |
| 510.24 | Use of roads and walks. |
| 510.25 | Dogs. |
| 510.26 | Lost articles. |
| 510.27 | Motor vehicle regulations. |
| 510.3 | General. |
| 510.30 | Motorized equipment. |
| 510.31 | Operator's certificate. |
| 510.32 | Speed. |
| 510.33 | Operation rules. |
| 510.34 | Accident reports. |
| 510.35 | Parking. |
| 510.36 | Motor vehicle lights. |
| 510.37 | Intoxication. |
| 510.38 | Buses. |
| 510.39 | General rules of conduct. |
| 510.4 | Disorderly conduct. |
| 510.40 | Gambling. |
| 510.41 | Sanitation. |
| 510.42 | Preservation of property. |
| 510.43 | Airport and equipment. |
| 510.44 | Weapons, explosives and inflammable equipment. |
| 510.45 | Fire hazards. |
| 510.5 | Cleaning of aircraft. |
| 510.50 | Open flame operations. |
| 510.51 | Storage. |
| 510.52 | Storage of inflammable material. |
| 510.520 | Lubricating oils. |
| 510.521 | Waste. |
| 510.522 | Smoking. |
| 510.53 | Cleaning fluids. |
| 510.54 | Floor care. |
| 510.55 | Doping. |
| 510.56 | Fueling operations. |
| 510.57 | Radio operation. |
| 510.58 | Motor vehicle operation in hangar. |
| 510.7 | Obligations of tenants. |
| 510.8 | Signs and bulletin boards. |
| 510.80 | Workmen's compensation. |
| 510.81 | First aid equipment. |
| 510.82 | Storage of equipment. |
| 510.83 | Fire apparatus. |
| 510.84 | Penalties. |
| 510.9 | |

AUTHORITY: §§ 510.1 to 510.9, inclusive, issued under sec. 2, 54 Stat. 688.

§ 510.1 *Definitions.* (a) "Airport" means the Washington National Airport. (b) "Administrator" means the Administrator of Civil Aeronautics.

(c) "Airport Administrator" means the Airport Administrator appointed by the Administrator of Civil Aeronautics to govern, superintend, control, and protect the Washington National Airport.

(d) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body political; and includes any trustee, receiver, assignee, or other similar representative thereof.

(e) "Board" means Civil Aeronautics Board.

§ 510.2 *General rules and regulations.*

§ 510.20 *Airport administrator* All persons on any part of the property comprising the airport shall be governed by the regulations prescribed in this part and by orders and instructions of the Airport Administrator relative to the use or occupation of any part of the property comprising the airport.

§ 510.21 *Restricted areas.* No person shall enter any restricted areas posted as being closed to the public except upon written permission of the Airport Administrator.

§ 510.210 *Particular areas.* No person shall enter upon the levy road, landing field, runways, taxi-strips, ground floor of the Terminal Building, nor enter the Control Tower, mirador room, third floor offices of the Terminal Building, any hangar, or the apron of the airport except:

(a) Persons assigned to duty therein;

(b) Authorized representatives of the Administrator, or the Board;

(c) Persons authorized by the Airport Administrator;

(d) Passengers under appropriate supervision, entering the apron for the purpose of embarkation and debarkation.

§ 510.22 *Observation terrace and balcony.* No person shall throw paper, cigars, cigarettes, bottles, or any other material from the Observation Terrace, Observation Balcony, or any other balcony in the Terminal Building.

§ 510.23 *Conduct of business or commercial activity.* No person shall engage in any business or commercial activity of any nature whatsoever on the airport except with the approval of the Administrator or Airport Administrator, and under such terms and conditions as may be prescribed.

§ 510.230 *Soliciting.* No person shall solicit funds for any purpose on the airport without the permission of the Airport Administrator.

§ 510.231 *Taxicabs.* No person shall operate any taxicab carrying passengers for hire from the airport unless such operation is with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.232 *Advertisements.* No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the airport except with the approval of the Administrator and in such manner as he may prescribe.

§ 510.24 *Commercial photography.* No person shall take still, motion, or sound pictures for commercial purposes on the airport without permission of the Administrator except that the following persons may take pictures for commercial purposes with permission of the Airport Administrator only:

(a) Professional photographers and motion picture cameramen taking scenes of events in the airport as representatives of news concerns and bona fide news publications.

(b) Professional photographers and motion picture cameramen taking scenes of events in the airport, for nonprofit exhibits, for the purpose of stimulating general interest in air commerce or travel.

(c) Professional photographers and motion picture cameramen taking scenes of events in the airport for nonprofit educational purposes.

(d) Professional photographers taking scenes in the airport for general artistic purposes.

§ 510.25 *Use of roads and walks.* (a) No person shall travel on the airport other than on the roads, walks or places provided for the particular class of traffic.

(b) No person shall occupy the roads or walks in such manner as to hinder or obstruct their proper use.

(c) No person shall operate any type of vehicle for the disposal of garbage, ashes or other waste material on the airport without the approval of the Airport Administrator.

§ 510.26 *Dogs.* No person shall enter the Terminal Building or landing area of the airport with a dog or other animal except that, seeing-eye dogs may be permitted in the Terminal Building for appropriate purposes, and where dogs are to be transported by air and are restrained by leash or properly confined. Dogs and other animals may be permitted in other areas of the airport if restrained by leash or confined in such manner as to be under control.

§ 510.27 *Lost articles.* Any person finding lost articles shall deposit them at the office of the Airport Administrator. Articles unclaimed within 60 days may be turned over to the finders thereof.

§ 510.3 *Motor vehicle regulations.*

§ 510.30 *General.* No person shall operate any motor vehicle on the airport otherwise than in accordance with the general rules prescribed by the Airport Administrator for the control of such vehicles, except when given special instructions by authorized employees of the airport, or in cases of emergency involving danger to life or property.

§ 510.31 *Motorized equipment.* No person shall operate any motorized equipment on the apron of the Terminal Building or anywhere on the aircraft landing area or levy road or in the inner-baggage tractor concourse of the Terminal Building except:

(a) Persons assigned to duty thereon and who have been issued an operator's certificate by the Airport Administrator;

(b) Persons specifically authorized by the Airport Administrator.

§ 510.32 *Operator's certificate.* No person shall operate motorized equipment of any kind on the roadways of the airport unless possessed of a valid operator's license issued by some legal political jurisdiction or by the Airport Administrator. No person shall operate motorized equipment of the CAA other than aircraft on the airport unless possessed of a valid CAA Operator's Certificate.

§ 510.33 *Speed.* (a) No person shall operate a motor vehicle of any kind on the roadways of the airport in excess of the speed limits prescribed by the Airport Administrator and indicated by posted traffic signs. Motor vehicles shall be so operated as to be under safe control at all times, weather and traffic conditions considered. No person shall operate a motor vehicle of any kind on the apron of the airport in excess of 25 miles per hour. No person shall operate a motor vehicle of any kind in the inner-baggage

concourse at a speed greater than 6 miles per hour.

§ 510.34 *Operation rules.* (a) Any person operating a vehicle travelling slowly on any road in the airport, when overtaken by a faster moving vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow safe passage.

(b) Pedestrians within pedestrian lane markings shall have the right-of-way over vehicular traffic.

(c) No person shall operate a vehicle following another vehicle on the airport closer than 15 feet to the preceding vehicle.

(d) No person shall sound a motor vehicle horn except as a warning signal.

(e) No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic or in any other improper manner.

(f) No person operating a motor vehicle on the airport shall fail to give proper hand signals. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(1) *Left turn.* The hand and arm shall be extended horizontally.

(2) *Right turn.* The hand and arm shall be extended upward.

(3) *Stop or decrease speed.* The hand and arm shall be extended downward: *Provided, however,* That in lieu of such hand signals, signals may be given by a signal lamp or a signal device which conveys an intelligible warning to another driver approaching from the front or rear.

(g) No person shall operate a motor vehicle on the airport contrary to the directions of posted traffic signs.

(h) No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft of any kind on the airport.

(i) No person shall operate any motor vehicle on the airport overloaded or carrying more passengers than that for which the vehicles were designed. Riding on the running board, standing up in the body of moving vehicles, riding on the outside of the body of a vehicle, or with arms or legs protruding from the body of motor vehicles are prohibited.

§ 510.35 *Accident reports.* All persons involved in any accidents on the airport and all witnesses thereto shall make a full report thereof to the Airport Administrator or to the nearest airport guard or police officer as soon after the accident as possible, together with their names and addresses.

§ 510.36 *Parking.* No person shall park a motor vehicle on the airport other than in areas specifically established for parking and in the manner prescribed by the Airport Administrator. No person shall abandon or park as dead storage any motor vehicle on the airport. No person shall park any motor vehicle in excess of the time limit prescribed by the Airport Administrator, nor in restricted or reserved areas unless authorized to do so.

§ 510.37 *Motor vehicle lights.* All motor vehicles, except motorcycles, shall be equipped with two headlights and one or more red tail lights, the headlights to be of sufficient brilliance to assure safety in driving at night, and all lights shall be kept lighted after sunset when the vehicle is on any roadway of the airport, and at all times when passing through unlighted tunnels. Headlights shall be dimmed when meeting other vehicles or pedestrians.

§ 510.38 *Repair of motor vehicles.* No person shall clean or make any repairs to motor vehicles on the roadways or in the parking areas of the airport except those minor repairs necessary to remove such motor vehicle from the airport unless authorized by the Airport Administrator, nor shall any person move, interfere, or tamper with any motor vehicle, or put in motion the engine, or take, or use any motor vehicle part, instrument, or tool thereof, without the permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Administrator.

§ 510.39 *Busses.* No carrier by motor bus for hire shall load or unload passengers at the airport at any place other than that designated by the Airport Administrator.

§ 510.4 *General rules of conduct.*

§ 510.40 *Disorderly conduct.* No person shall commit any disorderly, obscene or indecent act or commit any act of nuisance on the airport.

§ 510.41 *Gambling.* No person shall engage in or conduct gambling in any form or operate gambling devices anywhere on the airport.

§ 510.42 *Sanitation.* (a) No person shall dispose of garbage, papers, or refuse or other material on the airport except in the receptacles provided for that purpose.

(b) No person shall use a comfort station other than in a clean and sanitary manner.

§ 510.43 *Preservation of property.* No person shall: (a) Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other public property on the airport.

(b) Trespass on lawns and seeded areas on the airport.

(c) Abandon any personal property on the airport.

§ 510.44 *Airport and equipment.* No person shall interfere with, tamper with or injure any part of the airport or any of the equipment thereof.

§ 510.45 *Weapons, explosives and inflammable material.* (a) No persons except peace officers, duly authorized post office, airport, and air carrier employees or members of the armed forces of the United States on official duty shall carry any weapons, explosives, or inflammable material on the airport without the written permission of the Airport Administrator.

(b) All persons other than the accepted classes shall surrender all such

objects in their possession to the first officer or guard on the airport.

(c) The Government and the Airport Administrator assume no responsibility for the loss or damage to any such objects so surrendered to the airport guard or officer.

§ 510.5 Fire hazards.

§ 510.50 *Cleaning of aircraft.* No person shall use inflammable volatile liquids in the cleaning of aircraft, aircraft engines, propellers, and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

§ 510.51 *Open flame operations.* No person shall conduct any open flame operation in any hangar, or on the airport grounds, or part thereof unless specifically authorized by the Airport Administrator.

§ 510.52 *Storage.* No person shall store or stock material or equipment on the airport in such manner as to constitute a fire hazard.

§ 510.520 *Storage of inflammable material.* No person shall keep or store any inflammable liquids, gases, signal flares or other similar material in the hangars or in any building on the airport: *Provided*, That such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Airport Administrator.

§ 510.521 *Lubricating oils.* No person shall keep or store lubricating oils in or about the hangars: *Provided*, That such material may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in containers provided with suitable draw-off devices.

§ 510.522 *Waste.* Lessees of hangars shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags, and other rubbish. All such waste shall be removed by the lessees daily.

§ 510.53 *Smoking.* No person shall smoke in any hangar or shop or in any building, room, or place on the airport where it is specifically prohibited by the Airport Administrator.

§ 510.54 *Cleaning fluid.* No person shall use volatile inflammable substances for cleaning floors in the hangars or in other buildings of the airport.

§ 510.55 *Floor care.* All lessees on the airport shall keep the floors of the hangars and hangar and terminal apron pits and areas adjacent thereto, leased by them respectively, free and clear of oil, grease and other inflammable material.

§ 510.56 *Doping.* "Doping" processes shall be conducted only in properly designed, fireproofed and ventilated rooms or buildings in which:

(a) All illumination, wiring, heating, ventilation equipment, switches, outlets,

and fixtures shall be sparkproof and vaporproof and;

(b) All windows and doors shall open easily.

(c) No person shall enter or work in a "dope" room while "doping" processes are being conducted unless such person wears sparkproof shoes.

§ 510.57 *Fueling operations.* The following rules govern the draining and fueling of aircraft:

(a) No aircraft shall be fueled or drained while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space.

(b) No smoking shall be permitted within 100 feet of an aircraft being fueled or drained.

(c) No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during fueling or draining.

(d) During refueling the aircraft and the fueling dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

(e) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel.

(f) No passenger shall be permitted in any aircraft during fueling unless a cabin attendant is present at or near the cabin door.

(g) Only personnel engaged in the fueling, maintenance, and operation of an aircraft shall be permitted within 100 feet of such aircraft during any such operation.

(h) No person shall use any material during fueling or draining of aircraft which is likely to cause a static spark.

(i) Adequate fire extinguishers shall be within ready reach of all fueling and draining operations.

(j) No person shall start the engine of any aircraft when there is any gasoline on the ground under such aircraft.

(k) Fueling hoses and draining equipment shall be maintained in a safe, sound, and non-leaking condition.

(l) All hoses, funnels, and appurtenances used in fueling and draining operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

(m) The fueling and draining of aircraft shall be conducted at least 50 feet from any hangar or other building.

§ 510.58 *Radio operation.* No person shall operate any radio equipment in any aircraft when such aircraft is in a hangar.

§ 510.7 *Motor vehicle operation in hangar.* No person shall operate a tractor in any hangar unless the tractor exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame. Motor scooters, trucks, and other motor vehicles shall not be operated in any hangar proper at any time.

§ 510.8 *Obligations of tenants.*

§ 510.80 *Signs and bulletin boards.* The lessees of hangars shall maintain a bulletin board in a conspicuous place for the purpose of posting any and all notices

issued by the Administrator and his representatives.

§ 510.81 *Workmen's compensation.* The lessees of hangars shall post on the bulletin board workmen's compensation notices, lists of competent physicians, and names of liability insurance carriers.

§ 510.82 *First aid equipment.* All tenants or lessees of hangars or shop facilities on the airport shall provide in such hangars or shops conveniently accessible first aid kits approved by the Airport Administrator.

§ 510.83 *Storage of equipment.* No tenant or lessee of any hangar or shop facility on the airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.

§ 510.84 *Fire apparatus.* All tenants or lessees of hangars or shop facilities shall supply and maintain such adequate and readily accessible fire extinguishers and fire equipment and provide for such periodic fire drills as the Airport Administrator may prescribe.

§ 510.9 *Penalties.* Any person who violates any rule or regulation prescribed herein, or any order or instruction issued by the Airport Administrator authorized herein, may be removed or ejected from the airport by the Airport Administrator and his representatives and may be deprived of the further use of the airport and its facilities for such time as may be necessary to insure the safety of the airport and the public.

This part as revised herein shall become effective February 25, 1947.

[SEAL]

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-663; Filed, Jan. 22, 1947;
8:50 a. m.]

PART 511—AERONAUTICAL RULES FOR THE WASHINGTON NATIONAL AIRPORT

This part of the regulations of the Administrator of Civil Aeronautics was originally made effective on September 26, 1941. Since that time the Washington National Airport has experienced an increased volume of air traffic. Because of the increased air traffic and due to experience gained in operating this airport since September 26, 1941, it has become necessary to revise this part by the alteration, rewording and rearrangement of certain sections, and by making a few minor changes in substance. This part, as now revised, including such alterations, rewording, rearrangement, and changes, was submitted to and discussed with interested persons at an informal public hearing held for that purpose, notice of which (hearing) was published in the FEDERAL REGISTER. All data, views and arguments, oral and written, submitted by interested persons pursuant to such notice or at such public hearing were considered in this revision of Part 511.

Now, therefore, acting pursuant to the authority vested in me by act to provide

for the administration of the Washington National Airport (54 Stat. 686-688), I hereby revise Part 511 of the regulations of the Administrator of Civil Aeronautics to read as follows:

The purpose of Part 511 of the regulations of the Administrator of Civil Aeronautics is to establish and adopt aeronautical rules for the care, operation, maintenance and protection of the Washington National Airport and for the safety of all persons who make use thereof.

- Sec.
511.1 General aeronautical rules.
511.10 Definitions.
511.2 Radio contact.
511.20 Report of arrival.
511.3 Aircraft operation rules.
511.4 Aircraft equipment rules.
511.5 Landing area.
511.6 Taxiing rules.
511.7 Landing and take-off rules.
511.8 Visual signal procedures.
511.9 Penalties.

AUTHORITY: §§ 511.1 to 511.9 inclusive, sued under sec. 2, 54 Stat. 688.

§ 511.1 *General aeronautical rules.* All aeronautical activities at the Washington National Airport, and all flying of aircraft departing from or arriving at the Washington National Airport, in the airspace which constitutes the control zone of the Washington National Airport, shall be conducted in conformity with the current pertinent provisions of the Civil Air Regulations and orders issued by the Airport Administrator or air-traffic control-tower operator, not in conflict with the said regulations.

§ 511.10 *Definitions.* The term "person" means any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

§ 511.2 *Radio contact.* (a) Radio contacts between pilots of aircraft and air-traffic control-tower operators shall be conducted in accordance with the procedures and by means of the phraseologies prescribed by the Administrator of Civil Aeronautics whenever practicable.

(b) Pilots of outbound aircraft equipped with functioning two-way radio shall not taxi or take off without a control tower clearance.

(c) Pilots of aircraft not equipped with functioning two-way radio shall not land, taxi, or take off without a clearance by radio or light signal: *Provided, however* That this shall not prohibit sufficient movement of an outbound aircraft not equipped with a functioning transmitter to attract the attention of the control-tower operator.

§ 511.20 *Report of arrival.* Unless impracticable because of weather conditions or unless Airway Traffic Control instructions preclude such action, pilots of inbound aircraft equipped with functioning two-way radio shall report at or near a contact reporting point and as they enter the airport zone.

§ 511.3 *Aircraft operation rules.* (a) Aircraft operations shall be confined to hard surfaced areas. Taxi strips shall not be used for take-offs or landings.

(b) *Parking of aircraft.* No person shall park aircraft in any area on the Airport other than that prescribed by the Airport Administrator or his authorized representative.

(c) *Payment.* Payment for use of Airport facilities, storage, repairs, supplies, or other service rendered by the Airport shall be made before flight clearance will be granted unless satisfactory credit arrangements have been made with the Airport Administrator.

(d) *Disabled aircraft.* Aircraft owners, their pilot, or agent, shall be responsible for the prompt disposal of disabled aircraft and parts thereof unless required or directed to delay such action pending an investigation of an accident.

(e) *Accident reports.* Witnesses of and participants in accidents on or within the environs of the Airport shall make a full report thereof to the Airport Administrator as soon after an accident as possible, together with their names and addresses.

(f) *Refusal of clearance.* The Airport Administrator may delay or restrict any flight or other operations at the Airport and may refuse take-off clearance to any aircraft for any reason he believes justifiable.

§ 511.4 *Aircraft equipment rules.* (a) No aircraft shall be operated on the Washington National Airport unless it is equipped with two-way radio, tail or nose wheel, and wheel brakes.

(b) *Interfering and tampering with aircraft.* No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or satisfactory evidence of the right to do so presented to the Airport Administrator.

(c) *Repairing of aircraft.* No aircraft, aircraft engines, propellers, and apparatus shall be repaired in any area of the Airport other than that specifically designated by the Airport Administrator.

§ 511.5 *Landing area.* The Anacostia Naval Air Station, Bolling Field, and the Washington National Airport shall be regarded as one landing area in observing the circling requirements of the Civil Air Regulations.

§ 511.6 *Taxiing rules.* (a) No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area and, when available, through information furnished by airport attendants.

(b) No aircraft shall be taxied except, at a safe and reasonable speed.

(c) Pilots shall not taxi onto or across runway in use until specifically cleared to do so by radio or visual signal.

(d) No aircraft not equipped with adequate brakes shall be taxied near build-

ings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot.

(e) Aircraft shall be taxied in accordance with the taxiing patterns prescribed when any particular runway is in use.

(f) No person shall start or run any engine in aircraft, unless a competent person is in the aircraft attending the engine controls. Blocks shall always be placed in front of the wheels before starting the engine or engines, unless the aircraft is provided with adequate parking brakes.

§ 511.7 *Landing and take-off rules.* (a) Landings and take-offs shall be made on the runway according to the direction given by the Control Tower.

(b) No landing or take-off shall be made except at a safe distance from buildings and aircraft.

(c) Aircraft landing or taking off shall conform to the air traffic pattern published jointly by the Anacostia Naval Air Station, Bolling Field and the Washington National Airport.

§ 511.8 *Visual signal procedures.* (a) Visual signal procedures prescribed by the Administrator of Civil Aeronautics shall be observed.

(b) To an aircraft approaching for a landing, (1) An illuminated red cross at the end of a runway shall mean: "Runway Not Clear For Landing."

(2) An illuminated green arrow shall mean: "Runway To Be Used In Direction Of Arrow."

(c) To an aircraft on the ground (1) A red light at the take-off end of the runway in use shall mean: "Do Not Taxi Onto Runway."

(2) A red light at far end of runway in use shall mean: "Hold, Do Not Take Off."

(3) A green light at take-off end of a runway in use shall mean: "Cleared To Take Off."

(4) A green flush light at junction of taxi lane and runway shall mean: "Cleared To Taxi."

(5) A red flush light at any junction shall mean: "Do Not Taxi Beyond This Point."

§ 511.9 *Penalties.* In addition to penalties otherwise provided, any person operating or handling any aircraft in violation of the regulations in this part, or refusing to comply therewith, may promptly be removed or ejected from the airport by or under the authority of the Airport Administrator and upon the order of the Airport Administrator, may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein.

This part as revised herein shall become effective February 25, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Dec. 47-638; Filed, Jan. 22, 1947; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j) Part 265 of the Regulations of the Railroad Retirement Board under such act (4 F. R. 1477) is repealed; and Part 220, §§ 220.2, 220.3 (a), (b), (d), and (h), Part 222, §§ 222.1, 222.2, 222.3, and 222.4, Part 225, §§ 225.3 (a) and (b), 225.5, 225.6, 225.7, 225.8, 225.9 and 225.10, Part 230, § 230.1, Part 235, §§ 235.1, 235.2, 235.3, and 235.4, Part 236 and Part 250, § 250.3 (4 F. R. 1477, 6 F. R. 298, 7 F. R. 2211) are revised, and Part 230, § 230.15, Part 234, and Part 235, § 235.9, are adopted, by Board Order-47-1 dated January 7, 1947, to read as follows:

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

§ 220.2 *What constitutes a month and a year of service.* Any calendar month in which an individual renders service for compensation or for which he receives remuneration for time lost as an employee constitutes a month of service, irrespective of the amount of such service or of the amount of time for which such remuneration is received. Twelve such months, consecutive or otherwise, shall be a year of service: *Provided, however* That in totaling the service of an employee who has performed fifty-four months or more of creditable service, an ultimate fraction of six months or more shall constitute a year of service. In all other cases, ultimate fractions shall be taken at their actual value. (Secs. 1, 10, 50 Stat. 309, 314; sec. 202, 60 Stat. 726; 45 U. S. C. and Sup. 228a, 228j)

§ 220.3 *Creditability of service—(a) When a company is not an employer.* Service rendered to any person or company other than an employer shall not be creditable except as follows: (1) Service rendered prior to August 29, 1935 for a person or company which was an employer on August 29, 1935 shall be creditable even though such person or company was not an employer at the time the service was rendered; (2) service rendered to any person or company which was at some time during its existence an express company, sleeping-car company or carrier by railroad and which was a predecessor of an express company, sleeping-car company or carrier by railroad subject to the Act on August 29, 1935 shall be creditable even though such person or company was not an employer at the time such service was rendered and (3) service rendered prior to August 29, 1935 to any person or company in the performance of operations involving the use of standard railroad equipment provided such operations were performed by an employer on August 29, 1935.

(b) *Place of performance of service.* Service performed for an employer shall be creditable whether rendered within or without the United States, if such em-

ployer conducts the principal part of its business within the United States; but if an employer other than a local lodge or division or a general committee of a railway-labor-organization, does not conduct the principal part of its business within the United States, service to such an employer shall be creditable only when performed by the employee within the United States. Service performed for a local lodge or division or for a general committee of a railway-labor-organization shall be creditable in accordance with § 203.5 (b) and (c) of this chapter. Service rendered outside the United States by an individual not a citizen or resident of the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof is not creditable.

(d) *Service after age sixty-five.* Service rendered as an employee in any month after the end of the calendar year in which the age sixty-five is attained shall not be creditable toward an annuity under Part 208 of this chapter unless rendered prior to July 1, 1937. This paragraph shall not affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; sec. 207, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

(h) *Service performed subsequent to the beginning date of an annuity.* Service rendered as an employee after the beginning date of an annuity shall not be creditable toward any annuity under Part 208 of this chapter, nor shall such annuity be recomputed because of such service except, if such annuity be granted upon the basis of disability and the disability annuity ceases, service performed after such cessation of the annuity and before the end of the calendar year in which age sixty-five is attained may be credited toward any other annuity to which such individual may become entitled. Nothing contained in this paragraph shall affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314, sec. 205, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

§ 222.1 *Statutory provisions.*

The term "compensation" means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee. For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1)

such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to section 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned. In determining the monthly compensation, the average monthly remuneration, and quarters of coverage of any employee, there shall be attributable as compensation paid to him in each calendar month in which he is in military service creditable under section 4 the amount of \$160 in addition to the compensation, if any, paid to him with respect to such month.

* * * In computing the monthly compensation, no part of any month's compensation in excess of \$300 shall be recognized.

§ 222.2 *Definition of compensation—*

(a) *Compensation paid for services performed.* Compensation shall mean the amount an individual is paid for service performed as an employee and shall include amounts paid in the form of a commodity, service, or privilege, only if the employer and employee, before the performance of the service for which it is payment have agreed (1) upon the value of such commodity, service, or privilege, and (2) that such part of the amount agreed upon to be paid may be paid in the form of such commodity, service, or privilege.

(b) *Remuneration paid for time lost.* Compensation shall also include amounts paid by an employer to an individual for time lost during which time the individual was absent from the active service of the employer. An employee shall be deemed to be paid "for time lost" whenever any such amount is paid to him by an employer (1) with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, or (2) for loss of earnings with respect to an identifiable period, resulting from his displacement to a less remunerative

position or occupation. The entire amount of a payment made with respect to a personal injury shall be deemed to be remuneration paid for time lost provided such an amount includes pay for time lost and is not, at the time of payment, specifically apportioned to factors other than time lost. In any case where an amount paid with respect to personal injury is, at the time of payment, apportioned to factors other than time lost, only that part of the amount not so apportioned shall be deemed to be remuneration paid for time lost.

(c) *Waiver or refund of organization dues.* A waiver or refund of organization dues, in all cases in which the amount waived or refunded does not include elements in addition to the consideration for membership in the organization (such as, for example, insurance payments) even though motivated by the rendition of valuable services on the part of the individual to the organization, does not constitute compensation unless it appears by affirmative evidence that such waiver or refund was intended to be and was accepted as a discharge of an obligation of the organization to compensate the individual for service rendered.

§ 222.3 *Creditability of compensation*—(a) *Compensation for one month in excess of \$300.00.* In no case shall compensation in excess of three hundred dollars be credited for any one month of service. (Secs. 3, 10, 50 Stat. 311, 314; sec. 209, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

(b) *Compensation earned after age sixty-five.* Compensation for service after the end of the calendar year in which the individual becomes sixty-five years of age shall not be creditable toward an annuity under Part 208 of this chapter unless the service was rendered prior to July 1, 1937. This paragraph shall not affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; sec. 207, Pub. Law 572 (79th Cong.) 45 U. S. C. and Sup. 228c, 228j)

(c) *Compensation dependent upon creditability of service.* No amount shall be credited as compensation unless it is paid for service creditable in accordance with § 220.3 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; 45 U. S. C. 228c, 228j)

(d) *Remuneration received by an annuitant.* Remuneration paid to an individual for service performed while he is in receipt of an annuity shall not be creditable, as compensation, toward an annuity under Part 208 of this chapter. This paragraph shall not affect the provisions of Part 237 of this chapter.

(e) *Employee representative compensation.* (1) If an individual occupies the position or office of employee representative as defined in section 1 (b) of the 1937 Act and is paid remuneration in that position or office, all such remuneration is paid for services rendered as an employee representative within the meaning of section 1 (h) of the act, even though the individual performs either in connection with or outside of that position or office some services which are not related to the representation of employees in negotiations with employers

regarding wages, hours, working conditions, etc. However, any other remuneration which the individual receives is not paid for service rendered as an employee representative within the meaning of section 1 (h)

(2) If an individual does not occupy the position or office of employee representative and is paid remuneration in another position or office, none of such remuneration is paid for services rendered as an employee representative within the meaning of section 1 (h) of the 1937 Act, even though the individual performs either in connection with or outside of the non-employee representative position some services which are related to the representation of employees in negotiations with employers regarding wages, hours, working conditions, etc. Likewise, if the individual does occupy the position or office of employee representative in addition to his other position or office, but is paid remuneration only in the non-employee representative position or office or for services not related to the representation of employees in negotiations with employers, none of such remuneration is paid for service rendered as an employee representative within the meaning of section 1 (h)

(f) *Compensation earned after December 31, 1936, for service rendered to a local lodge or division.* Compensation earned in any month after December 31, 1936, for service rendered to a local lodge or division of a railway-labor-organization employer shall be disregarded unless (1) it is \$3.00 or more, or (2) if less than \$3.00 it was earned prior to April 1, 1940, and with respect thereto the income and excise taxes prescribed in the Carriers Taxing Act of 1937 were paid prior to July 1, 1940.

(g) *When compensation earned will be deemed compensation paid.* Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8 of the act, the period during which such compensation will have been earned.

(h) *Compensation; payment.* Compensation is deemed to be paid:

(1) When it is actually paid; or
(2) When it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition.

§ 222.4 *Amount of compensation attributable to each calendar month of military service creditable.* In determining the "monthly compensation" of any employee who performed military service which is creditable under Part 209 of this chapter and section 4 of the

act, there shall be attributable as compensation for each such month of creditable military service the amount of \$160 in addition to the compensation, if any, paid him with respect to such month. (Secs. 1, 10, 50 Stat. 309, 314, sec. 25, 54 Stat. 1100, sec. 2, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228a, 228j)

PART 225—COMPUTATION OF ANNUITY

§ 225.3 *Determination of "monthly compensation"* (a) Except as otherwise provided in this part the "monthly compensation" of an individual shall be:

(1) If his "years of service" include only service subsequent to December 31, 1936, and, in the case of station employees described in paragraph (b) (2) of this section, only service subsequent to August 31, 1941, the result obtained by totalling the compensation received for his "years of service" and dividing that sum by the number of months of his "years of service";

(2) If his "years of service" include only service prior to January 1, 1937, and, in the case of station employees described in paragraph (b) (2) of this section, only service prior to September 1941, his monthly compensation for service prior to January 1, 1937, or prior to September 1941, respectively, determined as hereinafter provided;

(3) If his "years of service" include service subsequent to December 31, 1936, and service prior to January 1, 1937, the result obtained by (i) multiplying his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to January 1, 1937, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to December 31, 1936, and (iii) dividing the sum by the total number of months in his "years of service". *Provided, however,* That in the case of station employees described in paragraph (b) (2) of this section, if his "years of service" include service subsequent to August 31, 1941, and service prior to September 1941, the result obtained by (i) multiplying his monthly compensation for service prior to September 1941 determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to September 1941, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to August 31, 1941, and (iii) dividing the sum by the total number of months in his "years of service" (Secs. 3, 10, 50 Stat. 311, 314; secs. 208, 209, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

(b) Except as otherwise provided in this part:

(1) An individual's "monthly compensation for service prior to January 1, 1937," shall be the result obtained by dividing (i) the total compensation earned by him in such portion of his "years of service" as is within the period 1924-1931 by (ii) the number of months in such portion of his "years of service"; and

(2) The amount of compensation paid or attributable as paid to an individual with respect to each month of service before September 1941 as a station em-

ployee whose duties consisted of or included the carrying of passengers' hand baggage and otherwise assisting passengers at passenger stations and whose remuneration for service to the employer was, in whole or in substantial part, in the form of tips, shall be the result obtained by dividing (i) the total compensation earned by him as a station employee in the period September 1940–August 1941 by (ii) the number of months he rendered service as a station employee during that period.

In any case within the purview of paragraphs (j) (k) (l) or (m) of this section, service in the period 1924–1931 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the "monthly compensation for service prior to January 1, 1937," and it is, in the judgment of the Board, just and equitable that such monthly compensation be determined in the manner provided in the applicable provisions of such paragraphs. In any case in which service of a station employee described in subparagraph (2) of this paragraph in the period September 1940–August 1941 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the amount of compensation paid or attributable as paid to him in each month of service before September 1941, the Board shall determine the amount of such compensation for each such month in such manner as in its judgment shall be fair and equitable. The following paragraphs of this section shall not be applicable to such station employees. (Secs. 3, 10, 50 Stat. 311, 314; sec. 208, 209, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

§ 225.5 *Annuities subject to reduction where individual is under age sixty-five.* Where eligibility for an annuity is based on age sixty to sixty-five and service the amount of the annuity, as computed under §§ 225.1 to 225.4 inclusive, shall in the case of male applicants be reduced by one one-hundred-and-eightieth for each calendar month during all of which the individual is less than sixty-five years of age when the annuity begins to accrue. (Secs. 2, 10, 50 Stat. 309; sec. 205, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228b, 228j)

Section 225.6 is repealed. Sections 225.7, 225.8, 225.9 and 225.10 are renumbered §§ 225.6, 225.7, 225.8 and 225.9, respectively.

§ 225.8 *Minimum amount of annuity.* In the case of an individual having a current connection with the railroad industry as defined in § 208.2 of this chapter and subsection (o) of section 1 of the act and at least fifty-four months of creditable service, the minimum annuity payable shall, prior to any reduction pursuant to section 2 (a) 3 of the act, be whichever of the following is the least:

- (a) \$3 multiplied by the number of the individual's "years of service" or
- (b) \$50, or
- (c) The individual's "monthly compensation" as determined by § 225.3.

(Secs. 3, 10, 50 Stat. 311, 314, sec. 210, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

PART 230—ELECTIONS OF JOINT AND SURVIVOR ANNUITIES

NOTE: Part 230 is repealed except with respect to elections of joint and survivor annuities made before July 31, 1946, by:

(a) Individuals to whom annuities have accrued before January 1, 1947, but have not been awarded prior to July 31, 1946, and who do not, prior to July 31, 1947, revoke their election in such manner and form prescribed by the Board; and

(b) Individuals to whom annuities have not accrued before January 1, 1947 and who, prior to January 1, 1948, reaffirm their election in such manner and form prescribed by the Board.

§ 230.1 *Statutory provisions.*

An individual whose annuity shall not have begun to accrue may elect prior to January 1, 1938, or at least five years before the date on which his annuity begins to accrue, or upon furnishing proof of health satisfactory to the Board, to have the value of his annuity apply to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life equal to, or 75 per centum of, or 50 per centum of such reduced annuity. The amounts of the two annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the single-life annuity to which the individual would otherwise be entitled. Such election shall be irrevocable, except that it shall become inoperative if the individual or the spouse dies before the annuity begins to accrue or if the individual's marriage is dissolved or if the individual shall be granted an annuity under subdivision 3 of section 2 (a) *Provided, however,* That the individual may, if his marriage is dissolved before the date his annuity begins to accrue, or if his annuity under subdivision 3 of section 2 (a) ceases because of failure to make the required proof of disability, make a new election under the conditions stated in the first sentence of this subsection. The annuity of a spouse under this subsection shall begin to accrue on the first day of the calendar month in which the death of the individual occurs.

Section 4 is repealed.

The election of a joint and survivor annuity made before the date of approval of this act by an individual to whom an annuity accrues before January 1, 1947, shall be given effect as though the provisions of law under which the election was made had continued to be operative unless no annuity was awarded to such individual prior to the date of approval of this act and, within one year after the approval of this act, he revokes the election in such form and manner as the Board may prescribe. Such election by an individual to whom no annuity accrues before January 1, 1947, shall also be given such effect if the individual, before January 1, 1948, reaffirms the election in such form and manner as the Board may prescribe.

(Sec. 4, 10, 50 Stat., 311, 314, secs. 212, 405, Pub. Law 570, 79th Cong., 45 U. S. C. and Sup. 228d, 228j)

PART 234—ANNUITIES DUE BUT UNPAID AT DEATH

Sec.

234.1 *Statutory provisions.*

234.2 *Annuities due but unpaid at death; to whom payable.*

AUTHORITY: §§ 234.1 and 234.2 issued under secs. 3, 10, 50 Stat. 311, 314; sec. 211, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j.

§ 234.1 *Statutory provisions.*

Annuity payments which will have become due an individual but will not yet have been paid at death shall be paid to the same individual or individuals who, in the event that a lump sum will have become payable pursuant to section 5 hereof upon such death, would be entitled to receive such lump sum, in the same manner as, and subject to the same limitations under which, such lump sum would be paid, except that, as determined by the Board, first, brothers and sisters of the deceased, and if there are none such, then grandchildren of the deceased, if living on the date of the determination, shall be entitled to receive payment prior to any payment being made for reimbursement of burial expenses. If there be no individual to whom payment can thus be made, such annuity payments shall escheat to the credit of the Railroad Retirement Account.

§ 234.2 *Annuities due but unpaid at death; to whom payable.* Annuity payments, including survivor annuity payments under the Railroad Retirement Acts of 1935 or 1937, which will have become due an individual but will not yet have been paid at death, if such death shall have occurred on or after January 1, 1947, shall be paid to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determined by the Board, and who will have been living on the date of such determination: to the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or parents of the deceased, in equal shares. If none of the persons described above be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased employee: *Provided, however,* That, as determined by the Board, first, brothers and sisters of the deceased employee, and if there are none such, then grandchildren of the deceased employee, if living on the date of the determination, shall be entitled to receive payment prior to any payment being made for reimbursement of burial expenses. If there be no individual to whom payment can thus be made, such annuity payments shall escheat to the credit of the Railroad Retirement Account.

PART 235—PAYMENTS UPON DEATH OCCURRING BEFORE JANUARY 1, 1947

§ 235.1 *Statutory provisions.*

Payments upon death as provided in sections 5 of the Railroad Retirement Acts of 1935 and 1937, other than survivor annuities pursuant to an election, shall be made only with respect to deaths occurring before January 1, 1947.

[Sec. 5, 1937 Act, prior to July 31, 1946]

- • • (a) The death benefit shall be an

amount equal to 4 per centum of the aggregate compensation (determined in accordance with section 1 (h) of this act but exclusive of the excess over \$300 in any month's earnings) earned by an individual as an employee after December 31, 1936, less any annuity payments paid him, and less any annuity payments due him but not yet paid at his death, and, if he is survived by a spouse entitled to a joint and survivor annuity, less any annuity payments paid such spouse under sections 3 (f) and 4 of this act, and less any annuity payments due such spouse under said sections but not yet paid at death.

(b) The amount of the death benefit computed under subsection (a) of this section shall be due upon the death of an individual who was an employee after December 31, 1936, or, if he is survived by a spouse entitled to a joint and survivor annuity, upon death of such spouse and, upon application therefor, as provided in subsection (c) of this section, shall be paid in a lump sum to the person or persons designated by such individual in a writing filed, on or before the date of his death, with the Board, in such manner and form as provided by the Board: *Provided, however*, That if such designation has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above in this subsection the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts, and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

(c) No payment shall be made to any person under this section unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date the death benefit becomes due as provided in subsection (b) of this section. For the purpose of this subsection, if the death benefit became due as provided in subsection (b) of this section before the enactment of this amendment, such death benefit shall be considered to have become due on the date of the enactment hereof.

[Sec. 5, 1935 Act] * * * If a person receiving or entitled to receive an annuity [under the provisions of the Railroad Retirement Act of 1935] shall die, the Board, for one year after the first day of the month in which the death may have occurred, shall

pay, as herein provided, an annuity equal to one-half of the annuity which such person so dying may have received or may have been entitled to receive, to the widow or widower of the deceased, or if there be no widow or widower, to the dependent next of kin of the deceased. * * *

§ 235.2 *Death benefit; amount of, when payable, to whom payable.* (a) If an individual to whom no annuities have become payable shall die prior to January 1, 1947, there shall become due a death benefit equal to 4 per centum of the aggregate compensation, if any, earned by that individual as an employee after December 31, 1936, excluding compensation in excess of three hundred dollars in any one month and compensation that is required to be disregarded under the provisions of § 222.3 (f) of this chapter.

(b) If an individual to whom annuities have become payable and who is not survived by a spouse entitled to a survivor annuity shall die prior to January 1, 1947, there shall become due a death benefit equal to an amount computed as in paragraph (a) of this section, less all annuities paid or payable to the individual.

(c) In any case wherein an individual dies prior to January 1, 1947 and is survived by a spouse entitled to a survivor annuity, there shall, upon the death of such surviving spouse, prior to January 1, 1947, become due a death benefit equal to an amount computed as in paragraph (b) of this section, less all survivor annuities paid or payable to such surviving spouse.

(d) Any death benefit due under section 5 of the Railroad Retirement Act of 1937, as it existed prior to July 31, 1946, and still in effect with respect to deaths occurring prior to January 1, 1947, upon the death of an individual prior to January 1, 1947 shall, upon proper application therefor, as provided in § 233.3, be paid in a lump sum to the person or persons designated by such individual on the designation form provided by the Board and filed with it on or before the date of his death: *Provided, however*, That if such designation has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be

no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

§ 235.3 *Application for death benefits under section 5 of the 1937 act as it existed prior to July 31, 1946; time limit for filing.* No payment of a death benefit under section 5 of the Railroad Retirement Act of 1937 as it existed prior to July 31, 1946 and still in effect with respect to deaths occurring prior to January 1, 1947 shall be made to any person unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally incompetent), prior to the expiration of two years after the date the death benefit becomes due as provided in § 235.1. For the purpose of this section, if the death benefit became due prior to April 8, 1942, such death benefit shall be considered to have become due on April 8, 1942.

§ 235.4 *Death benefit annuity payable under section 5 of the Railroad Retirement Act of 1935.* Payment of death benefit annuities under section 5 of the 1935 act by reason of the death of individuals receiving or entitled to receive annuities under the 1935 act shall be made only with respect to those deaths which occurred prior to January 1, 1947.

§ 235.9 *Individual deterred from filing.* Where an individual has notified the Board in writing of his intention or desire to file an application for death benefits payable upon the death of an employee or the spouse of an employee, but has been deterred to his detriment from filing an application upon the form prescribed by the Board, such writing of the individual, if subsequently supplemented by an application duly executed upon the prescribed form, shall be considered by the Board as a proper and sufficient application within the meaning of section 5 (f) of the Railroad Retirement Act of 1937 as still in effect with respect to deaths occurring prior to January 1, 1947, subject to the provisos contained in § 210.2 (a) (1) and (2) of this chapter. (Secs. 5, 10, 202, 50 Stat. 312, 314, 318; sec. 12, 56 Stat. 203, secs. 213, 406, Pub. Law, 572, 79th Cong., 45 U. S. C. and Sup. 228e, 228j, 202 of note following 228)

PART 236—PAYMENT OF BENEFITS OF \$500 OR LESS

Section 236.1 is repealed. Sections 236.2, 236.3, 236.4 and 236.5 are renumbered as §§ 236.1, 236.2, 236.3 and 236.4, respectively.

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

§ 250.3 *Employers' reports of compensation of employees.* (a) Each employer shall, in accordance with instructions issued by the director of wage and service records, file with the Board (1) on or before the last day of each month, a report of the compensation adjustments appearing on pay rolls or other disbursement documents for the month immediately preceding such month, (2) on or before the last day of the month immediately following the end of each calendar quarter, a summary of compensation adjustments reported for the quarter, and (3) on or before the last day of the month immediately following the end of each calendar quarter or, for employers authorized to report annually, on or before the last day of the month immediately following the end of each calendar year:

(1) A report of the compensation paid to each employee for the calendar quarter or calendar year, respectively, showing with respect to each employee his name, his account number, and, except in the case of an employee of a railway-labor-organization employer, his occupational class under the appropriate Interstate Commerce Commission occupational classification as supplemented or varied for this purpose by instructions issued by the director of wage and service records and approved in this respect by the director of research.

(2) A summary report of the compensation of the employees for the period covered by the report.

If such last day of the month is a Sunday or legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the office of the Board at Chicago, Illinois, under ordinary handling of the mails, on or before the date on which the report is required to be filed. Authorization to file reports on dates later than hereinabove prescribed may be granted by the director of the bureau of wage and service records.

Authorization to report annually the compensation paid to each employee shall be granted upon application by the employer to the director of wage and service records and the approval of such application by the Board.

(b) An employer having intermittent or seasonal pay rolls shall file a summary report of compensation for each quarter or year in which no pay roll was maintained and shall show "Nil" in the space provided for reporting the compensation.

(c) Upon termination of employer status as determined under §§ 202.11 and 202.12 of this chapter, a final report of compensation of employees shall be submitted. The summary report of compensation shall be marked "Final Compensation Report," and the period covered by the report shall be indicated. Such report shall be filed with the Board on or before the last day of the month following the final month for which there was compensated service. (Secs. 8, 10, 50 Stat. 313, 314, sec. 214 Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228h, 228j)

PART 265—APPLICABILITY OF 1935 OR 1937 ACT

Part 265 is repealed.

Dated: January 15, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-632; Filed, Jan. 22, 1947;
8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

PART 3—ESTABLISHMENT AND ORGANIZATION OF THE OFFICE OF PREMIUM PRICE PLAN FOR COPPER, LEAD, AND ZINC

- Sec.
- 3.301 Establishment of the Office of Premium Price Plan.
 - 3.302 Organization of the Office of Premium Price Plan.
 - 3.303 Appointment and functions of Director.
 - 3.304 Appointment and functions of the Premium Review Board.
 - 3.305 Basic Regulations of the Premium Price Plan.
 - 3.306 Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.
 - 3.307 Transfer of personnel, records, and funds.
 - 3.308 Effective date.

AUTHORITY: §§ 3.301 to 3.308 inclusive issued under E. O. 9809, Dec. 12, 1946, 11 F. R. 14281.

§ 3.301 *Establishment of the Office of Premium Price Plan.* Pursuant to authority of Executive Order No. 9809, dated December 12, 1946, there is hereby established in the Office of War Mobilization and Reconversion, the Office of Premium Price Plan for Copper, Lead, and Zinc, hereinafter referred to as the Office of Premium Price Plan.

§ 3.302 *Organization of the Office of Premium Price Plan.* The Office of Premium Price Plan shall be composed of a Director, a Premium Review Board, and other necessary staff as determined by the Commissioner of War Mobilization and Reconversion.

§ 3.303 *Appointment and functions of Director.* (a) The Director shall be appointed by the Commissioner of War Mobilization and Reconversion. Under the policies of the Premium Review Board as approved by the Commissioner in the manner outlined in paragraph (b) of this section and § 3.304, he shall operate the Premium Price Plan pursuant to section 6 (a) of the Price Control Extension Act of 1946, Public Law 548, 79th Congress, approved July 25, 1946, and to directives and rules heretofore issued for the operation of the Premium Price Plan and such directives and regulations as may hereafter be issued by the Commissioner of War Mobilization and Reconversion, including regulations and amendments issued in accordance with § 3.305.

(b) *Assignment and revision of quotas.* The Director shall be responsible for the analytical work in connection with applications for and revisions of quotas and

shall make recommendations to the Premium Review Board with respect to each quota and revision, subject to the exception provided in § 3.304.

§ 3.304 *Appointment and functions of the Premium Review Board.* The Premium Review Board shall be composed of three members, one appointed by the Commissioner of Civilian Production and who shall act as chairman; one appointed by the Commissioner of Price Administration and one appointed by the Board of Directors of the Reconstruction Finance Corporation. The Director shall not be appointed to the Premium Review Board. The Premium Review Board shall consider the recommendations of the Director as to the assignment and revision of quotas and shall determine, in each case, the assignment of the quota or the revision of the quota: *Provided*, That the Premium Review Board may establish standards and classifications which when certified to the Director in writing by the Board, will permit the assignment of quotas or quota revisions in accordance therewith without further reference to the Premium Review Board. Upon such determination the Director shall then issue, over his signature, the assignment or revision as so determined. The Premium Review Board shall also consider and determine questions of policy, subject to the approval of the Commissioner of War Mobilization and Reconversion. The Premium Review Board shall pass on appeals arising in the operation of the Plan. Appeals from a final decision of the Board may be taken to the Commissioner of War Mobilization and Reconversion, whose decision shall be final.

§ 3.305 *Basic regulations of the Premium Price Plan.* The Director shall cause to be prepared and upon approval by the Premium Review Board, shall submit to the Commissioner of War Mobilization and Reconversion for publication in the FEDERAL REGISTER, basic regulations under which the Premium Price Plan is operated, and shall cause them to be amended subject to the same approval, from time to time, as may be required.

§ 3.306 *Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.* The Office of Metals Reserve, Reconstruction Finance Corporation, shall be responsible for the fiscal operations of the Premium Price Plan and shall make the payments required by the quota assignments.

§ 3.307 *Transfer of personnel records and funds.* Prior to organization of the Office of Premium Price Plan, the Commissioner of War Mobilization and Reconversion, the Commissioner of Civilian Production and the Commissioner of Price Administration shall present for the approval of the Temporary Controls Administrator a budget for the operation of the Office of Premium Price Plan for the remainder of the current fiscal year supported by a listing of the positions and personnel to be transferred, and a schedule showing details of the estimated cost for each object of expenditure and the amount which it is proposed to transfer from each appropriation currently

available for the purpose. Upon approval of the said budget the positions, personnel and funds listed therein shall be transferred to the Office of War Mobilization and Reconversion together with the necessary records and equipment as agreed upon by the respective commissioners and approved by the Administrator. Any unpaid obligations not listed specifically in the approved budget shall be liquidated by the office in which such obligations are now recorded.

§ 3.308 *Effective date.* The provisions of this order shall become effective on January 27, 1947.

Issued this 16th day of January 1947.

PHILIP B. FLEMING,

Temporary Controls Administrator

[F. R. Doc. 47-633; Filed, Jan. 22, 1947; 8:45 a. m.]

Chapter VI—Selective Service System

[Local Board Memorandum 115, Relissued: 7/22/46, As Amended: 1/22/47]

PART 671—LOCAL BOARD MEMORANDA

OCCUPATIONAL CLASSIFICATION

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.115 *Occupational classification*—(a) *General policies*—(1) *General.* (i) This section describes the policies and procedures which govern the occupational classification of registrants ages 19 through 29. The classification of registrants engaged in agriculture is governed by §§ 622.25-1 and 622.25-2 of this chapter.

(ii) The policies stated in this section shall not be construed to interfere with the classification into Class I-A, Class I-A-O, or Class IV-E, of a registrant age 19 through 29 who is a delinquent, or a registrant who volunteers for induction and is placed in a class available for service under § 624.4 of this chapter.

(2) *Objectives in classification.* It is the objective of the Selective Service System to select and forward for induction the number and type of men required by the armed forces in accordance with the provisions of the Selective Training and Service Act of 1940, as amended.

(3) *Responsibility of local boards.* It is the continuing responsibility of the local boards to determine, subject to the prescribed appeal procedure, whether registrants within their jurisdiction are entitled to occupational deferment in accordance with existing regulations and occupational classification policies.

(b) *Classification policies and procedures*—(1) *General.* A registrant age 19 through 29 may be retained or placed in Class II-A if the local board finds that he is irreplaceable in and indispensable to an activity essential to the national existence. An activity essential to the national existence is one of such importance that any disruption thereof would adversely affect the physical well-

being, the public safety, or economic life of the community or the nation.

(2) *Deferment consideration for certain professional students.* Local boards will give consideration to the deferment of registrants for whom there is on file or is hereafter filed a DSS Form 42A (Special-Revised) if they come within the group described as follows:

(i) *Students in medicine, dentistry, veterinary medicine, or osteopathy.* Registrants for whom a DSS Form 42A (Special-Revised) is filed and in whose case the local board determines that they are pursuing a full-time course of study in medicine, dentistry, veterinary medicine, or osteopathy in a recognized school of medicine, dentistry, or veterinary medicine, or osteopathy, until their graduation, and that they have completed a satisfactory preprofessional course prior to their entrance, will be given special consideration provided that a student of veterinary medicine should not be considered for occupational deferment if he commenced the study of veterinary medicine in a school of veterinary medicine on or after March 15, 1945. A "satisfactory preprofessional course" shall mean such work as is ordinarily required for entrance by medical, dental, veterinary medicine, and osteopathy schools of good reputation.

(3) *Applicable forms.* DSS Form 42A (Special-Revised) will be used for the making of all requests for the occupational deferment, including agriculture, of registrants ages 19 through 29.

(4) *Local board report.* In order to provide the Director of Selective Service with accurate information concerning the classification of registrants 19 through 29 under the provisions of this section, the local board will report as follows:

(i) When a DSS Form 42A (Special-Revised) has been filed requesting deferment other than in agriculture, the local board, immediately after taking action with respect to the registrant, will make sure that the registrant's order number on the front of the DSS Form 42A (Special-Revised) is correct, and complete the Report of Local Board on the back of the duplicate copy of such form, and will transmit the duplicate copy to its State Director. The State Director will then forward DSS Form 42A (Special-Revised) to the Director of Selective Service, Tenth Floor, Gimbel Building 35 South Ninth Street, Philadelphia, Pennsylvania.

(ii) When a DSS Form 42A (Special-Revised) has been filed requesting deferment for a registrant engaged in agriculture, the local board may transmit the duplicate copy to the State Director if so instructed by him, but in no event shall any copy of DSS Form 42A (Special-Revised) for registrants in agriculture be forwarded to the Director of Selective Service.

(c) *Certification plan*—(1) *General.* Pursuant to a request from the Office of Temporary Control, the certification of certain registrants specified in paragraph (d) of this section is authorized. The Office of Temporary Control has requested the Civilian Production Administration of the Office of Temporary Control, the United States Office of Educa-

tion, and the National Housing Agency to assist the Selective Service System in this program.

(2) *Operation of plan.* Employers or individual registrants who are self-employed will submit DSS Form 42A (Special-Revised) in triplicate, or other specified information which will assist in determining the essentiality of the registrant, to the appropriate Federal Government agency listed in subparagraph (1) of this paragraph. Requests for deferment approved by the Federal Government agencies will be transmitted to the Director of Selective Service. The Director of Selective Service will transmit recommendations for deferment to local boards through the appropriate State Director.

(3) *Classification policies.* Pursuant to the provision of paragraph (b) (1) of this section, local boards will give the most serious consideration to the occupational deferment of registrants engaged in the specialized, technical and scientific fields set forth in paragraph (d) of this section.

(d) *Standards and procedures*—(1) *Advanced studies in the physical sciences and engineering.* Registrants accepted by an accredited college or university for a Master's or Doctor's degree in the physical sciences or engineering will be certified by the United States Office of Education to the Director of Selective Service.

(2) *University research in the physical sciences or engineering.* Registrants employed by or attached to the staff of an accredited college or university for research in the physical sciences or engineering will be certified by the United States Office of Education to the Director of Selective Service.

(3) *Submission of information in certain cases.* Any registrant who wishes to be certified under the provisions of subparagraphs (1) and (2) of this paragraph, must present to the United States Office of Education, Temporary Building M, 26th and Water Streets NW., Washington 25, D. C., the following documents in triplicate:

(i) A notarized statement of his intention:

(a) To undertake graduate studies leading to a Master's or Doctor's degree in the physical sciences or engineering; or

(b) To undertake advanced research in the physical sciences or engineering.

(ii) A statement from an accredited college or university signed by a responsible official of the college or university, indicating that the registrant:

(a) Has been accepted as a candidate for a Master's or Doctor's degree in the physical sciences or engineering; or

(b) Is to be employed by or attached to the staff of the college or university for research in the physical sciences or engineering.

(iii) A statement showing the registrant's name, address, age, Selective Service local board number and address, classification, and educational qualifications.

(4) *Industrial and foundational research in the physical sciences or engineering.* Scientific personnel necessary to and engaged in basic research in the

physical sciences or engineering in the employ of laboratories not connected with colleges or universities, and scientific personnel in industry who are not engaged directly in production, will be certified by the Civilian Production Administration of the Office of Temporary Control to the Director of Selective Service. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the Civilian Production Administration of the Office of Temporary Control, Washington 25, D. C., for certification.

(5) *Teachers.* Teachers employed by an accredited college or university will be certified by the United States Office of Education to the Director of Selective Service. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the United States Office of Education, Temporary Building M, 26th and Water Streets, N. W., Washington 25, D. C.

(6) *Production and transportation.* The Civilian Production Administration of the Office of Temporary Control will certify to the Director of Selective Service registrants engaged in production and transportation as follows:

(i) Supervisory, technical, or scientific personnel whose removal would significantly retard production in industries essential to reconversion or otherwise essential to the national existence;

(ii) Qualified and irreplaceable production workers in industries designated as critical by the Civilian Production Administration of the Office of Temporary Control. (This agency has established procedures for the formal determination of critical products, in programs such as veterans' housing, public health, and food and famine relief, requiring special government action.) Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the Civilian Production Administration of the Office of Temporary Control, Washington 25, D. C.

(7) *Construction workers.* The National Housing Agency will certify to the Director of Selective Service registrants engaged in the home building trade as follows:

(i) Skilled workmen in the home building trade where shortages of such men have been established. Such persons must have had at least three years of training and experience in key building crafts such as bricklaying, plastering, plumbing, and carpentering, and it must be established that the loss of such person is delaying or immediately threatens to delay the Veterans Emergency Housing Program.

(ii) Managerial or supervisory personnel possessing a minimum of three years' experience in home construction. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the National Housing Agency, Washington 25, D. C.

(e) *Occupational classification of men in the Merchant Marine.*—(1) *General.* As of January 1, 1947, the United States Maritime Commission discontinued the submission of deferment requests for registrants employed as merchant seamen in the Merchant Marine. Em-

ployers have been notified by the United States Maritime Commission that they will be required to file requests for the occupational deferment of all seamen under policies and procedures described in paragraphs (b) (1) and (b) (3) of this section.

(2) *Deferment consideration.* In considering the deferment of a registrant employed in the Merchant Marine, the local board shall give consideration to the number of months of substantially continuous service which the registrant has completed and which service constitutes a credit towards completion of service in the Merchant Marine and prospective classification in Class I-G.

(3) *Completion of service in the Merchant Marine.* (i) Certain registrants who have completed a period of substantially continuous service in the Merchant Marine should be relieved from consideration for military service.

(ii) The United States Maritime Commission will issue to a registrant who has completed a period of substantially continuous service in the Merchant Marine a certificate of service to that effect, but such a certificate will not furnish a basis for a finding that such a registrant may be relieved from consideration for military service unless, in addition to the issuance of a certificate, the United States Maritime Commission notifies the local board in writing or places a stamp or notation upon the certificate stating that the registrant is "eligible to be relieved from any future consideration for classification into a class available for service."

(iii) Under policies effective October 1, 1946, the United States Maritime Commission will indicate to a local board that it deems a registrant who has been released from service in the Merchant Marine "eligible to be relieved from any future consideration for classification into a class available for service" only if the registrant has served at least eighteen (18) months in the Merchant Marine, and provided his service in the Merchant Marine has been substantially continuous.

(iv) Under the provisions of § 622.17 (d) of this chapter, a registrant who has completed a period of substantially continuous service in the Merchant Marine of the United States, and who has a certificate to that effect issued by the United States Maritime Commission, may be placed in Class I-G.

(f) *Occupational classification of Federal Government employees.*—(1) *General.* Registrants employed in or under the Federal Government may be considered for occupational classification in Class II-A on the same basis as other registrants under the policies and procedures described in paragraph (b) of this section: *Provided,* That an authorized Government request for deferment is filed with the local board.

(2) *Filing of requests.* Every request (DSS Form 42A (Special-Revised)) for the occupational deferment of an employee in or under any branch of the Federal Government must be filed in accordance with 57 Stat. 57, and Executive Order 9309 (3 CFR Cum. Supp.) and must bear the stamp or notation reproduced below:

AUTHORIZED

GOVERNMENT REQUEST

(Agency of the Federal Government)

Committee.

(Address of Committee)

(Chairman or Secretary)

(Date)

(g) *Miscellaneous information.*—(1) *Employer's responsibility.* Employers are under a continuing responsibility to notify local boards of the termination of employment of a registrant age 19 through 29 for whom they have requested deferment and also of any change of the basis on which the deferment was requested.

(54 Stat. 885, as amended; 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-660; Filed, Jan. 22, 1947;
9:36 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 200]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended in the following particulars:

1. In the list of commodities set forth in paragraph (b) the following Schedule B Nos. 790700, 790800, 790900 and 791000, together with the description of commodities thereunder, are hereby deleted and there is substituted in lieu thereof the following:

| Dept. of Com. Sched. B No. | Commodity | Unit | GLV dollar value limits, country group | |
|----------------------------|---|--------|--|------|
| | | | K | E |
| 790750 | Passenger cars and chassis, new. | Unit.. | None | None |
| 790750 | Station wagons, new (mounted on passenger car chassis). | Unit.. | None | None |

2. The description of commodities classified under Schedule B No. 791100 is hereby amended to read as follows:

| Dept. of Com. Sched. B No. | Commodity | Unit | GLV dollar value limits, country group | |
|----------------------------|--|--------|--|----|
| | | | K | E |
| 791100 | Passenger cars and chassis (second-hand). | Unit.. | 100 | 25 |
| 791100 | Station wagons (second-hand) mounted on passenger car chassis. | Unit.. | 100 | 25 |

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245).

Dated: January 17, 1947.

FRANCIS McINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-639; Filed, Jan. 22, 1947;
8:49 a. m.]

[Amdt. 291]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of
Comm.
Sched.
B No.

| | Commodity |
|--------|---|
| | Motor trucks, busses and chassis (new) (include automotive fire engines in class according to capacity) |
| | Under 1 ton: |
| 790101 | ¼ ton and under (include Jeeps for commercial use). |
| 790102 | Over ¼ ton, not over ½. |
| 790103 | Over ½ ton and under 1 ton. |
| | 1 and not over 1½ tons: |
| 790201 | 1 ton. |
| 790202 | Over 1, not over 1½ tons. |
| | Over 1½ tons, not over 2½ tons: |
| 790301 | Over 1½ tons, not over 2½ tons, n. e. s. |
| | Over 2½ tons: |
| | Diesel and semi-Diesel (injection type) |
| 790431 | Over 2½, not over 4 tons. |
| 790433 | Over 4, not over 5 tons. |
| 790435 | Over 5 tons. |
| | Gasoline (carburetor type) |
| 790461 | Over 2½, not over 4 tons. |
| 790463 | Over 4, not over 5 tons. |
| 790465 | Over 5 tons. |
| 790500 | Bus chassis. |
| 790600 | Motor trucks, busses and chassis (second-hand) 1945 and 1946 production. |
| | Passenger cars and chassis (new) |
| 790750 | Station wagons (new), mounted on truck chassis only. |
| | Passenger cars and chassis (second-hand). |
| 791100 | Station wagons (second-hand), mounted on truck chassis only. |

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated January 17, 1947.

FRANCIS McINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-640; Filed, Jan. 22, 1947;
8:49 a. m.]

[Amdt. 294]

PART 812—LIMITED PRODUCTION LICENSES FOR PASSENGER AUTOMOBILES AND TRUCKS

PERIOD OF VALIDITY

Section 812.3 *Period of validity* is amended by striking out the date "January 16—3

ary 31, 1947" and substituting in lieu thereof the date "April 30, 1947."

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS McINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-643; Filed, Jan. 22, 1947;
8:49 a. m.]

[Amdt. 292]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSE

Section 802.9 *General in transit license "GIT"* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

| Commodity | Schedule B No. | Schedule L No. |
|--|----------------|----------------|
| Motor trucks, busses and chassis (new) | 790101-790103 | 789 |
| Passenger cars and chassis (new) | 790401-790403 | 783 |
| Passenger cars and chassis (second-hand) | 791100 | 783 |

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS McINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-641; Filed, Jan. 22, 1947;
8:49 a. m.]

[Amdt. 293]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

Section 802.11 *Personal baggage and personal effects* is hereby amended in the following particulars:

Subparagraph (3) of paragraph (b) is amended to read as follows:

(3) *Motor vehicles.* (i) A citizen of the United States may export a motor vehicle under this general license if the vehicle to be exported was acquired by such person not less than 60 days prior to the date of such person's departure and is intended solely for the use of such person or his family.

(ii) Non-citizens who have resided in the United States continuously for at least 6 months preceding departure may export a motor vehicle under the general license if the vehicle to be exported was acquired by such person not less than 60 days prior to the date of export and is intended solely for the use of such person or his family.

(iii) In emergency cases of demonstrated hardship involving persons departing temporarily from the United

States, the Collector of Customs may, at his discretion, authorize the exportation of a vehicle under this general license even though the exporter has not owned the vehicle for the required 60 day period if the Collector is satisfied that the exportation is to be of short duration.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS McINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-642; Filed, Jan. 22, 1947;
8:49 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Amdt. 2]

THE ADMINISTRATOR, SUGAR DEPARTMENT; CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act (11 F. R. 177A-640 through 177A-710 of the FEDERAL REGISTER of Sept. 11, 1946) is amended in the following respects:

1. In Subpart A (text) § 1305.510, paragraph (f) is deleted and the following paragraphs are added:

(f) *Authority of the Temporary Controls Administrator.* All functions of the Price Administrator are vested in the Temporary Controls Administrator by Executive Order 9809.

(g) *Ratification of delegations in force December 12, 1946.* All delegations of authority made by or under the authority of the Price Administrator or by any other authorized official of the Office of Price Administration, and which were in effect on December 12, 1946, were adopted, ratified, confirmed, and validated by the Temporary Controls Administrator in OTC Regulation 2 (11 F. R. 14704) and by Executive Order 9809, and remain in full force and effect until they expire by their terms or are revoked or amended.

(h) *Delegation of regulatory authority.* Delegation of regulatory authority shall be made by a general order or as part of another official document. Re-delegation of regulatory authority shall be made by a delegation order approved and signed by the person to whom the power is delegated and filed with the executive officer of the appropriate operating department or office (§ 1305.510 (f)).

(i) *Delegation of administrative authority.* The Temporary Controls Administrator delegates to the Commissioner of Price Administration administrative authority to act for the Administrator in all matters relating to the Office of Price Administration except those heretofore specifically reserved to the Price Administrator which were transferred to the Temporary Controls

Administrator by Executive Order 9809. Delegation or redelegation of administrative authority by the Commissioner of Price Administration shall be made by publication in the OPA Manual in accordance with the provisions of Administrative Order No. 90, revised.

(j) *Appointment of Acting Administrator* The office of the Temporary Controls Administrator will notify the office of the Secretary, Office of Price Administration, Office of Temporary Controls, when appointment of an Acting Administrator is made, stating the time during which the appointment is to be effective.

(k) *Federal Register* Delegations of regulatory authority shall be published in the FEDERAL REGISTER.

2. In Subpart I (text) the following sections are inserted after § 1305.1306:

SUBPART I—SUGAR DEPARTMENT

§ 1305.1310 *Organization outline* The sugar department shall comprise the following organization units:

Office of the Deputy Commissioner for Sugar:
Office of Field Relations.
Administrative Office.
Sugar Legal Division.
Currency Control Division:
Ration Banking Branch.
Accountability and Verification Branch.
Distribution and Issuance Branch.
Price and Supply Division:
Supply Equalization Branch.
Supply Analysis Branch.
Price Branch.
Allotment Division:
Institutional Branch.
Trade and Industry Branch.
Industrial Petitions Branch.

§ 1305.1311 *Authority and responsibility.* The Temporary Controls Administrator delegates to the sugar department authority and responsibility to discharge, under his general supervision, functions, powers, and duties, (except those related to common carrier and public utility rate increases and those involved in subsidy operations pertaining to price and rationing controls of specifically designated commodities.

(a) *Price.* Authority of OPA for its price activities derives from the Emergency Price Control Act of 1942 as amended by the Price Control Extension Act of 1946 and the Stabilization Act of October 2, 1942, supplemented by executive orders 9250, 9328, and 9697. Supplementary Order 193, issued November 12, 1946, exempts from price control all services and all commodities except rice, sugar, and certain sugar products. Executive Order 9809, effective December 12, 1946, vests in the Temporary Controls Administrator the functions of the Price Administrator.

(1) Under these acts the Administrator has, among others, the following responsibilities and powers:

(i) To establish, by regulation or order, generally fair and equitable maximum prices whenever prices have risen or threaten to rise contrary to the purposes of the Emergency Price Control Act, and to adjust maximum prices to correct gross inequities and remove impediments to the effective transition to a peacetime economy.

(ii) To issue temporary regulations and orders effective up to 60 days.

(iii) To issue regulations containing such classifications and differentials, and providing for such adjustments and reasonable exceptions as the Administrator deems necessary to carry out the purposes of the act.

(iv) To enter into voluntary arrangements or agreements with sellers relating to the fixing of maximum prices.

(v) To issue rules and regulations necessary to execute the purposes of the Emergency Price Control Act, to control speculative and manipulative practices, and to prevent circumvention and evasion.

(vi) To utilize the services of federal, state, and local agencies.

(vii) To make such studies and investigations and obtain such information as the Administrator deems necessary and proper to assist him in prescribing any regulation or order under the act. To require the furnishing of information by those engaged in dealing with commodities; the keeping of prescribed records; the making of prescribed reports; and the submission of books, records, and inventories for inspection.

(2) In discharging these responsibilities the Administrator must conform to the requirements of the cited price control acts and executive orders including among others that the Administrator shall:

(i) Issue with each regulation or order (except a temporary 60-day regulation or order) a statement of the considerations involved in the issuance of the regulation or order.

(ii) Advise and consult so far as practicable, with representative members of the industry which will be affected, before issuance of any regulation or order (except a temporary 60-day regulation or order)

(iii) Withdraw maximum prices in conformity with decontrol provisions of the Emergency Price Control Act.

(iv) Obtain the prior approval of the Secretary of Agriculture or Price Decontrol Board in cases specified by the Stabilization laws.

(3) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for price control.

(b) *Rationing.* Authority of OPA for its rationing activities derives from the Second War Powers Act and from directives of the Secretary of Agriculture.

(1) Under the act and the directives, the Administrator has the responsibility of providing equitable rationing of designated commodities allocated to meet civilian requirements.

(2) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for rationing commodities.

§ 1305.1312 *Office of the Deputy Commissioner for Sugar—(a) Organization.* The office of the deputy commissioner for sugar shall comprise the associate deputy commissioner, the office of

field relations, and the administrative office.

(b) *Deputy Administrator* In the discharge of the designated responsibilities of the department, the deputy commissioner for sugar, subject to the general supervision of the Administrator, shall:

(1) Be responsible for the administration of price programs, exclusive of policy, collect information on price, and provide technical supervision for the price program in the field.

(2) Determine commodity rationing policies, collect information on supply, flow, and distribution of commodities which are or may be subject to rationing controls, prepare commodity rationing orders and amendments, and provide technical supervision for the rationing program in the field.

(3) Direct and supervise the sugar department in the national office.

(c) *Associate deputy commissioner* The associate deputy commissioner shall be responsible to the deputy commissioner for:

(1) Coordination of activities of the several divisions of the sugar department.

(2) Technical direction of price and rationing programs in field offices.

(3) Direction and supervision of the office of field relations and of the administrative office.

§ 1305.1313 *Office of field relations—(a) Organization.* The office of field relations, under the chief liaison officer, shall comprise the field liaison section and the procedures and field information section.

(b) *Chief liaison officer* The chief liaison officer shall be responsible to the deputy commissioner for sugar for:

(1) Review and appraisal of regional office and sugar branch office rationing operations based on field office surveys.

(2) Consultation with division directors and branch chiefs to recommend changes in policy, regulations, and procedures.

(3) Preparation of administrative procedures and informational material for field offices.

(4) Direction and supervision of the office of field relations.

(5) Recommendations regarding personnel or operational changes deemed necessary in field offices.

(c) *Field liaison section.* Field liaison officers comprising this section shall be responsible to the chief liaison officer for:

(1) Continual travel within and inspection of regional offices, sugar branch offices, and regional issuance, verification, and distribution centers to determine the effectiveness of all sugar rationing and the degree of compliance with existing procedures of each field office.

(2) Review of operating procedures in field offices to determine that they are practical and conducive to efficiency and to recommend needed amendments.

(3) Review of issuances by field offices to determine that the several types of users receive appropriate allotments promptly pursuant to the sugar rationing regulations.

(4) Survey of field offices to determine the competency of organization and personnel and to recommend changes deemed necessary.

(d) *Procedural and field information section.* The procedures and field information section, under the section head, shall be responsible to the chief liaison officer for:

(1) Preparation of new procedures and revision of existing procedures to implement changes in regulations and improvements recommended by the field liaison section or the regional sugar executives.

(2) Periodic issuance of informational materials to field offices, including background information, statistics, suggestions for improving operation, and answer to field questions.

(3) Advance notice, whenever possible, of changes of policy, procedures, or regulations.

§ 1305.1314 *Administrative office.* The administrative office, under the principal administrative officer, shall be responsible to the office of the deputy commissioner for sugar for:

(a) *Administrative management.* The administrative office shall provide management services in the sugar department, develop and install basic systems of work control and program reporting, and supervise the preparation of budget estimates and the control of budget allotments.

(b) *Management liaison.* The administrative office shall maintain liaison with the offices of administrative service, budget and planning, and personnel, to secure central management services for the sugar department.

(c) *Advice.* The administrative office shall advise the deputy commissioner for sugar and the executive heads of organization units in the sugar department concerning administrative management.

§ 1305.1315 *Divisions and branches.* Divisions and branches of the sugar department shall have the functions and responsibilities specifically assigned to them in the OPA Manual.

SUGAR LEGAL DIVISION

§ 1305.1320 *General responsibilities.* The sugar legal division, under the associate general counsel, shall be responsible for advising the sugar department staff as to the application of legal requirements and standards to administrative actions of the department and as to the development of policies and procedures to implement such requirements and standards.

§ 1305.1321 *Specific functions.* The specific functions assigned to the sugar legal division are:

(a) *Price legal.* (1) Advising the director of the price and supply division on legal requirements, standards, and procedures of price operations.

(2) Appraising for legal propriety, and approving, or objecting to, proposed formal price actions.

(3) Drafting all formal actions for the price branch, price and supply division.

(4) Preparing interpretations of the application to specific questions of legal requirements of price regulations, except

those arising in connection with commodities and services decontrolled January 1, 1947.

(b) *Rationing legal.* (1) Preparing interpretations of the application of legal requirements of rationing regulations, including the application to specific questions of legal requirements of the veterans' regulations.

(2) Advising the director of the allotment division on legal requirements, standards, and procedures of ration adjustment operations and on legal requirements respecting veterans' applications for industrial user bases.

(3) Appraising for legal propriety and approving, or objecting to, proposed rationing actions and adjustment policies.

(4) Drafting all formal rationing actions of the sugar department.

§ 1305.1322 *Associate General Counsel.* The associate general counsel shall be responsible to the deputy commissioner for sugar for:

(a) Advising the deputy commissioner on all legal matters affecting the work of the department and provide counsel to the departmental staff as needed.

(b) Establishing legal policies and standards of legal workmanship for the department and securing conformity with legal policies and standards established by OPA.

(c) Maintaining liaison with other federal agencies and, in consultation with the deputy commissioner for sugar, representing the department and, when directed by the general counsel, representing OPA in legal matters concerning the sugar department.

(d) Directing and supervising the operations and personnel of the sugar legal division.

CURRENCY CONTROL DIVISION

§ 1305.1320 *Organization outline.* The currency control division shall comprise the following organization units:

Office of the Director.
Ration Banking Branch.
Accountability and Verification Branch.
Distribution and Issuance Branch.

§ 1305.1331 *Functions and responsibilities.* (a) The currency control division, under the director, shall be responsible to the deputy commissioner for sugar for the development and execution of policies and programs to provide, distribute, safeguard, verify, control, and account for currency for use in rationing commodities under the jurisdiction of the sugar department.

(b) The division shall consult with the enforcement department in the establishment of standards for the fabrication and physical safeguards of ration currency to provide protection against counterfeiting and theft. In establishing procedures for accounting for the receipt and issuance of ration currency, the division shall consult with the accounting department as to methods of internal control and the maintenance of accountability records which will be susceptible of satisfactory audit.

§ 1305.1332 *Office of the director.* The director of the currency control division shall be responsible to the deputy commissioner for sugar for administering

the ration currency control system, directing and supervising the currency control division in the national office, and supervising the ration currency control operations of field offices.

§ 1305.1333 *Ration banking branch.* The ration banking branch shall:

(a) Establish operating procedures for participating banks.

(b) Develop and establish operating policies and procedures for field offices.

(c) Maintain liaison with banking associations and committees and with governmental agencies exercising functions of bank examination.

§ 1305.1334 *Accountability and verification branch.* The accountability and verification branch shall:

(a) Develop and establish procedures to insure complete accountability of all ration currency and verification of all flowback ration currency.

(b) Conduct periodic surveys of field offices issuing, holding or receiving ration currency to insure conformity to accountability, safeguarding and verification procedures.

(c) Direct and supervise the operations of verification centers.

§ 1305.1335 *Distribution and issuance branch.* The distribution and issuance branch shall:

(a) Develop plans for printing and distributing books of ration stamps.

(b) Design and plan distribution of rationing currency, price and rationing forms.

(c) Maintain controls of the location and stock of ration currency, rationing forms, and informative materials, and develop and establish procedures for distributing them.

(d) Provide technical supervision of issuance and distribution in field offices.

PRICE AND SUPPLY DIVISION

§ 1305.1340 *Organization outline.* The price and supply division shall comprise the following organization units:

Office of the Director:
Supply Equalization Branch.
Supply Analysis Branch.
Price Branch.

§ 1305.1341 *Functions and responsibilities.* The price and supply division, under the director, shall be responsible to the deputy commissioner for sugar for definition of commodities under the jurisdiction of the department, equitable distribution of them by areas and zones, assembling and analyzing data concerning estimated and actual resources and supplies of sugar, alleviation of emergency shortages of the commodities in specific areas, and development of civilian rationing levels within allocations made by the Department of Agriculture.

§ 1305.1342 *Office of the Director.* The director of the price and supply division shall be responsible to the Temporary Controls Administrator for the formulation of price policy and to the deputy commissioner for sugar for the administration of price programs, and maintenance of liaison with primary suppliers to promote voluntary compliance with zoning and other requirements for equitable distribution, and with the De-

partment of Agriculture for alleviation of emergency shortages.

§ 1305.1343 *Supply equalization branch.* The supply equalization branch shall:

(a) Devise methods for: (1) Directing equitable distribution of sugar by geographic areas and zones.

(2) Certifying unusual shipping costs of offshore refined sugar to the Commodity Credit Corporation.

(3) Constant contact with primary suppliers to promote voluntary compliance with policies, programs, and regulations.

(b) Take appropriate action to alleviate emergency sugar shortages in specific areas of the United States, and maintain liaison with the Department of Agriculture and with primary suppliers and importers to determine ways and means of securing the most economical transportation of sugar from one area to another.

§ 1305.1344 *Supply analysis branch.* The supply analysis branch shall be responsible to the director for all statistical studies concerning allocations, supplies, estimated ration demand, population shifts necessitating changes in allotments, reconciliation of ration banking statements of primary distributors, and records of imports of products containing sugar. Specifically, the branch shall perform the following functions:

(a) *Supply.* (1) Develop the highest possible civilian rationing levels within the allocations of the Department of Agriculture, projecting civilian and military demands by states and zones, calculating supplies available for distribution from possible sources, and planning means to bring demand and supply into balance.

(2) Maintain weekly reports of the sugar situation in all states and zones and anticipated offshore receipts and domestic production.

(3) Prepare monthly tables of estimated demands from consumers, including institutional and industrial users, and forecasts of future developments to anticipate possible shortages.

(4) Maintain current lists of industrial user bases by state and season, obtaining reports of actual production of canned fruits and vegetables, and ascertaining the amount of sugar consumed in production.

(5) Prepare maps, graphs, and special analyses as required.

(b) *Reports.* (1) Estimate population by counties to determine allotments to be made to industrial users serving them.

(2) Maintain records and reconcile ration bank statements of primary distributors.

(3) Obtain data on imports of products containing sugar and prepare reports as a basis for determining the disposal of imports.

(4) Analyze and summarize monthly questionnaires directed to field offices.

(5) Advise the director in the technical definition of sugar and sugar-containing products.

§ 1305.1345 *Price branch.* The price branch except for commodities and services which were decontrolled before January 1, 1947, shall:

(a) Develop price regulations, amendments to regulations, and orders.

(b) Administer price regulations, amendments, and orders in conformity to policies established by the Temporary Controls Administrator and the division directors.

(c) Furnish information and advice to field offices in accordance with procedures established by the sugar department.

(d) Aid the director in developing and interpreting price policies.

ALLOTMENT DIVISION

§ 1305.1350 *Organization outline.* The allotment division shall comprise the following organization units:

Office of the Director
Institutional Branch
Trade and Industry Branch
Industrial Petitions Branch

§ 1305.1351 *Functions and responsibilities.* The allotment division is responsible to the office of the deputy commissioner for sugar for:

(a) Establishing policies and administering programs for rationing sugar to industrial and institutional users, wholesalers, retailers, and individual consumers.

(b) Formulating policies for allotment adjustments and processing adjustment petitions.

(c) Formulating criteria and determining levels of allotment on the basis of supplies available for distribution.

(d) Determining allotments which may be available for new classes of users.

§ 1305.1352 *Office of the Director.* The director of the allotment division shall be responsible to the deputy commissioner for sugar for:

(a) Advice in the formulation of rationing plans, policies, and programs.

(b) Development of regulations, amendments to regulations, and orders for rationing sugar.

(c) Equitable administration of rationing regulations and adjustments of allotments under the regulations.

(d) Direction and supervision of the allotment division.

§ 1305.1353 *Institutional branch.* The institutional branch shall determine policies and administer sugar rationing programs governing all types of institutional users of sugar, including hospitals, hotels, and restaurants. Specifically, it shall:

(a) Formulate and establish institutional user policies.

(b) Determine and recommend methods for administering sugar rationing with respect to institutional users.

(c) Analyze, process, and pass upon special appeals of institutional users forwarded to the national office including petitions for adjustments and veterans' petitions for institutional refreshment bases.

§ 1305.1354 *Trade and industry branch.* The trade and industry branch

shall formulate and establish policies for rationing sugar to industrial users, and certain condensed milk manufacturers, formulate and determine policies for the distribution of sugar at wholesale and retail levels, and administer sugar rationing programs for individual consumers and all levels of trade. Specifically, it shall:

(a) Formulate and administer the sugar rationing program with respect to industrial users and provisional allowance users.

(b) Formulate policies and administer the sugar rationing program with respect to wholesalers, retailers, and consumers, including inventories allowed and ration evidences used.

(c) Formulate policies and administer the sugar rationing program with respect to certain manufacturers of condensed milk, computing and authorizing allotments to be transmitted.

§ 1305.1355 *Industrial petitions branch.* The industrial petitions branch shall participate in the establishment of adjustment policies respecting industrial users and decide petitions of industrial users including candy manufacturers, bakeries, and beverage manufacturers. Specifically, it shall:

(a) Formulate policies affecting applications of veterans for industrial user bases; review, analyze, and prepare decisions on veterans' petitions; and post audit field office actions on veterans' petitions.

(b) Review, analyze, and prepare decisions on petitions for adjustment and relief of manufacturers of beverage products, and manufacturers of bakery products.

(c) Review, analyze, and prepare decisions on petitions for adjustment, new bases, or relief of industrial users who require sugar for manufacture of pharmaceuticals or chemicals, or for other industrial uses not specifically covered by the other sections of the industrial petitions branch.

3. In Subpart I (text) the following item is inserted after § 1305.2304:

CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

§ 1305.2325 *Purpose of chapter.* This chapter establishes the authority and procedure for consolidation and liquidation of district and branch offices, and delegates requisite administrative authority to the regional administrators to effectuate consolidation and liquidation orders.

§ 1305.2326 *Authority and responsibility.* The Temporary Controls Administrator delegates to the regional administrator of each OPA region authority to issue such administrative orders as may be necessary to effectuate consolidation and liquidation of district and branch offices under his jurisdiction, upon issuance of a consolidation or liquidation order by the Administrator. Each regional administrator is responsible for seeing that the consolidation and liquidation of district and branch offices are accomplished in accordance with

reorganization instructions issued by the Assistant to the Commissioner.

§ 1305.2327 *Actions of district and branch offices.* Actions taken by any liquidated or consolidated district or branch office authorizing or requiring any person to perform any act authorized or required under OPA orders, regulations, or directives, shall be taken as the action of the regional office and remain in full force and effect until the authorization or requirement expires or is terminated or modified by appropriate authority.

§ 1305.2328 *Residual functions.* (a) All functions, powers, and duties delegated or assigned to any district office under any OPA order, regulation, or directive are transferred to the regional office which has jurisdiction of the office at the time of its closing.

(b) All functions, powers, and duties delegated or assigned to any branch office under any OPA order, regulation, or directive are transferred to the branch office with which it is consolidated or to the regional office which has jurisdiction at the time of closing, as directed in the reorganization instruction ordering the action.

(Sec. 12, 60 Stat. 244)

PHILIP B. FLEMING,
Temporary Controls Administrator.

JANUARY 22, 1947.

[F. R. Doc. 47-659; Filed, Jan. 22, 1947;
8:52 a. m.]

Chapter XVI—Price Decontrol Board

PART 1851—ORGANIZATION

PART 1852—RULES OF PROCEDURE

NOTICE OF CHANGE OF OFFICE ADDRESS

Commencing January 22, 1947, the office of the Price Decontrol Board will be located in Room 200, 709-12th Street, NW., Washington 25, D. C.

1. Section 1851.3 is amended, effective as of January 22, 1947, to read:

§ 1851.3 *Location of offices.* The office of the Board is located in Room 200, 709-12th Street NW., Washington 25, D. C. The office shall be open for business from 9:00 a. m. to 5:00 p. m. e. s. t., Monday through Friday, except holidays.

2. Section 1852.11 is amended, effective as of January 22, 1947, to read:

§ 1852.11 *Place of filing and recording.* Petitions, papers, and other documents shall be filed, and appearances recorded, at the office of the Board, Room 200, 709 12th Street NW., Washington 25, D. C.

(Pub. Law 548, 79th Cong.)

Issued this 8th day of January 1947.

R. L. THOMPSON,
Chairman.

[F. R. Doc. 47-631; Filed, Jan. 22, 1947;
8:51 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

EXCHANGE OF PRIVATELY OWNED PROPERTY WITHIN GLACIER NATIONAL PARK, MONTANA

CROSS REFERENCE: For order relating to exchanges of privately owned property within the Glacier National Park, Montana, see Title 43, Part 15.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1634]

PART 150—EXCHANGES TO ELIMINATE PRIVATE HOLDINGS FROM NATIONAL PARKS AND NATIONAL MONUMENTS

EXCHANGES OF PRIVATELY OWNED PROPERTY WITHIN GLACIER NATIONAL PARK, MONTANA

Sec.

- 150.6a Statutory authority.
- 150.6b Informal application.
- 150.6c Formal application.
- 150.6d Fees.
- 150.6e Action by District Land Office.
- 150.6f Action by Bureau of Land Management.
- 150.6g Publication and posting of notice.
- 150.6h Protests; additional papers to be filed; action by manager.
- 150.6i Deed or instrument of conveyance.
- 150.6j Abstract of title; title insurance; certificate of title.
- 150.6k Taxes.
- 150.6l Further action by Bureau of Land Management.
- 150.6m Conveyed property a part of the Glacier National Park.
- 150.6n Appeals.

AUTHORITY: §§ 150.6a to 150.6n, inclusive, issued under sec. 2, Pub. Law 635, 79th Cong., 60 Stat. 949.

§ 150.6a *Statutory authority.* The act of August 8, 1946 (60 Stat. 949), authorizes the Secretary of the Interior, when he deems such action to be in the best interests of the United States, to accept title to any non-Federal lands, interest in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as then or thereafter established, and in exchange therefor, to convey to the grantors of such property, or to their nominees, any Federally owned lands, interests in lands, buildings, or other property, real or personal, within the boundaries of the Glacier National Park, located in the State of Montana, and administered by the National Park Service, which the Secretary determines are of approximately equal value to the property being acquired. In order to facilitate the making of such exchanges, the Secretary is authorized to enter into agreements for the reservation in conveyances to the United States or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests, as may be consistent with the purposes of the act, but

all such limitations must be considered in determining the equality of the interests to be exchanged.

Sections 150.6a to 150.6n, inclusive, do not apply to exchanges which involve no interest in real property.

§ 150.6b *Informal application.* All preliminary negotiations relating to an exchange under the above act are to be conducted with the National Park Service. Any owner of property within the boundaries of the Glacier National Park who desires to take advantage of the privileges conferred by said act, must file with the Director, National Park Service, an informal application describing the privately owned property, which is offered to the United States and the property which is selected in exchange therefor. If the Director, National Park Service is of the opinion that the value of the property offered is equal to or more than the value of the selected property, and that the exchange should be consummated, he will so advise the applicant by letter, stating, among other things, his determination as to values, and will instruct the applicant to file in the District Land Office at Great Falls, Montana, the letter, together with a formal application to exchange.

§ 150.6c *Formal application.* The formal application, which must be filed in duplicate, should contain the full name and post office address of the applicant, a description of the property offered to the Government and the property selected in exchange therefor; a statement as to what, if any, reservations, easements, or rights-of-way are being made in the offered land; a statement that the applicant is the owner of the property offered in exchange, that he is legally capable of consummating the exchange, and that such property is not the basis of another selection or exchange; a statement by the applicant or some credible person possessed of the requisite knowledge, that the land selected is nonmineral in character, contains no salt springs or deposits of salt in any form to render it chiefly valuable therefor, and is not in any manner occupied or claimed adversely to the applicant; and a statement corroborated by two credible witnesses as to springs and water holes in accordance with 43 CFR 292.1-292.9. The application should be accompanied by the letter received from the National Park Service signifying its approval of the consummation of the proposed exchange. Any application not accompanied by such a letter will be rejected. The offered and selected property in the formal application must be identical with the property referred to in the letter of the National Park Service and all lands should be described by legal subdivisions of the public land surveys, except where unsurveyed land is selected and in which case, the description thereof must conform to 43 CFR 101.6. Where application is made to select unsurveyed land, such land must be surveyed, and the application and valuation must be adjusted to survey before patent can issue for such selected land.

Where the application is filed by an individual he will be required to show he

is 21 years of age, and otherwise capable of carrying through the transaction.

Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished. If the corporation is organized under a State other than Montana the articles of incorporation must be accompanied by a certificate showing that the corporation is authorized to do business in the State of Montana.

§ 150.6d *Fees.* Fees must be paid by the applicant at the rate of \$2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

§ 150.6e *Action by District Land Office.* If the application appears regular and in conformity with the law and §§ 150.6a to 150.6n, inclusive, the District Land Office will assign a serial number thereto and after appropriate notations have been made upon the records of that office, the application and accompanying papers should be forwarded to the Bureau of Land Management together with a report as to the status of any of the lands involved in the application.

§ 150.6f *Action by Bureau of Land Management.* Upon receipt of all the evidence required in the Bureau of Land Management, examination will be made at as early a date as practicable and if the evidence is found defective an opportunity will be given the parties in interest to cure the defects, if possible. If the application appears regular and in conformity with the law and §§ 150.a to 150.n, inclusive, it will, in the absence of objection, be transmitted to the Secretary of the Interior by the Director, Bureau of Land Management with appropriate recommendation.

If the Secretary determines that the value of the offered property is equal to or more than the value of the selected property and that the application should be allowed, the exchange will be approved, subject to the submission of acceptable title to the offered property and to full compliance by the applicant with §§ 150.a to 150.n, inclusive, and subject to any protests or other valid objections which may appear.

§ 150.6g *Publication and posting of notice.* Upon approval of the application by the Secretary, instructions will issue to the District Land Office regarding publication of notice thereof. The applicant will begin publication of notice thereof, at his own expense, in some newspaper, designated by the Bureau of Land Management and having general circulation in the county, or counties, in which the property offered and the property selected are situated. Such notice must be published once each week for four successive weeks during which time a similar notice of the application must be posted in the District Land Office. The notice should describe the property applied for as well as the property offered, in exchange and give the date of filing of the application, and state that the purpose thereof is to allow all persons claiming the property selected, or having bona fide objections to such application, an opportunity to file their protests with the

District Land Office at Great Falls, Montana. Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The Manager shall certify to the posting in his office. The date of such publication and posting must be given in all cases.

§ 150.6h *Protests; additional papers to be filed, action by Manager.* If a protest is filed, all the papers should be transmitted to the Bureau of Land Management for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the District Land Office, the Manager will notify the applicant that he is allowed 60 days from receipt of notice within which to file the deed or other instrument conveying the offered property to the Government, together with such title evidence as may be required by §§ 150.a to 150.n, inclusive. After the filing of the required evidence, the Manager will promptly transmit all papers to the Bureau of Land Management.

§ 150.6i *Deed or instrument of conveyance.* The deed of conveyance or other instrument transferring title to the offered property to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State of Montana. Such revenue stamps as are required by law must be affixed to the instrument and canceled. The instrument should recite that it is made "for and in consideration of the exchange of certain property as authorized by the Act of August 8, 1946 (60 Stat. 949) "

Where such instrument is executed by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgement of the instrument in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the property conveyed, or it must be fully and satisfactorily shown that under the laws of the State of Montana in which the property conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the instrument necessary. Where the instrument is executed by a corporation, it should recite that it was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument and both should bear the impression of the corporate seal.

§ 150.6j *Abstract of title; title insurance; certificate of title.* Where land or an interest in land is conveyed, applicant must file an abstract of title, a policy of title insurance or a certificate of title, as hereinafter provided.

The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the

offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land or property to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, which is satisfactory to the Department of the Interior.

A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby.

§ 150.6k *Taxes.* The applicant must furnish a certificate by the proper official of the county in which the property conveyed to the United States is situated, showing that all taxes levied or assessed against the property, or that could operate thereon as a lien, have been fully paid, or whether there is a tax due on such property that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such property. In case taxes have been assessed or levied on such property, and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with a qualified corporate surety for the sum of twice the amount of taxes paid on the property for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the case of a bond, and if and when proper evidence is furnished showing the taxes on the property conveyed have been paid in full, the said sum will be returned to the applicant.

§ 150.6l *Further action by Bureau of Land Management.* The publication of notice, deed or other instrument of conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the Bureau of Land Management, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the property conveyed to the United States and patent or other instrument of transfer will issue for the property selected in exchange. Notice of additional requirements, rejection or other adverse action will be given the applicant.

§ 150.6m *Conveyed property a part of the Glacier National Park.* All property conveyed to the United States pursuant to §§ 150.6a to 150.6n, inclusive, shall, upon acceptance of title, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area.

§ 150.6n *Appeals.* Any party aggrieved by any action of the Manager may appeal to the Director of the Bureau of Land Management and any party aggrieved by any action of the Director, Bureau of Land Management or the Director, National Park Service, may appeal to the Secretary, pursuant to rules of practice (43 CFR, Part 221).

FRED W. JOHNSON,
Acting Director.

Approved: January 15, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-634; Filed, Jan. 22, 1947;
8:47 a.m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 1—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 1.1 (11 F. R. 177A-518-519) is hereby amended to read as follows:

§ 1.1 *In general.* The Federal Security Agency is under the general supervision, direction and control of the Federal Security Administrator. In the absence or disability of the Administrator or in case of a vacancy in the Office of the Federal Security Administrator, the Assistant Federal Security Administrator acts as Administrator. The Agency is composed of six staff offices, to wit: Office of Administration, Office of the General Counsel, Office of Federal-State Relations, Office of Inter-Agency and International Relations, Office of Research, and Office of Information, and four operating branches, to wit: Public Health Service, Social Security Administration, Office of Education, and Office of Special Services. The Office of the Federal Security Administrator consists of the Administrator, Assistant Administrator, Assistants to the Administrator Staff Offices, heads of Operating Branches, and such staff committees and boards as the Administrator from time to time may establish. The Assistant Administrator is authorized to make contracts for personnel services, supplies, and equipment.

2. Section 1.3 (11 F. R. 177A-519) is hereby amended to read as follows:

§ 1.3 *Office of the General Counsel.* The Office of the General Counsel is under the supervision and direction of the General Counsel. It furnishes legal services and advice to the Administrator, Assistant Administrator, and all offices, branches and units of the Federal Security Agency, and generally supervises all legal activities of the Agency and its constituent units. The Office represents the

Agency in litigation when direct representation is authorized by law and performs all liaison functions in connection with legal matters involving the Agency. The Office of the General Counsel is composed of a departmental staff located in Washington, D. C. and Baltimore, Maryland, a division in New York, New York, to service the Bureau of Employees' Compensation, and a regional staff under the direction of the regional attorneys, whose offices are located as follows:

No. 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut; Boston, Mass.

Nos. 2 and 3. New York, New Jersey, Pennsylvania, Delaware; New York, N. Y.

No. 4. Maryland, Virginia, North Carolina, West Virginia, District of Columbia; Washington, D. C.

No. 5. Kentucky, Michigan, Ohio; Cleveland, Ohio.

No. 6. Illinois, Indiana, Wisconsin; Chicago, Ill.

No. 7. South Carolina, Georgia, Tennessee, Mississippi, Alabama, Florida; Atlanta, Ga.

No. 8. North Dakota, South Dakota, Nebraska, Iowa, Minnesota; Minneapolis, Minn.

No. 9. Missouri, Kansas, Arkansas, Oklahoma; Kansas City, Mo.

No. 10. Louisiana, Texas, New Mexico, San Antonio, Tex.

No. 11. Montana, Idaho, Wyoming, Utah, Colorado; Denver, Colo.

No. 12. California, Oregon, Washington, Nevada, Arizona; San Francisco, Calif.

3. Section 1.4 (11 F. R. 177A-519) is hereby amended to read as follows:

§ 1.4 *Office of Federal-State Relations.* The Office of Federal-State Relations is under the supervision and direction of the Director of Federal-State Relations. It studies and investigates the operation of the various grant-in-aid programs conducted by the Agency and consults with representatives of Federal and State agencies administering such programs to secure their advice on standards and procedures for the better coordination of the administration of such programs. The Office develops and recommends to the Administrator policies, methods, and procedures whereby the Administrator can establish, insofar as possible, uniform standards and procedures relating to fiscal, personnel and other matters common to two such programs and standards and procedures under which a State agency participating in more than one grant-in-aid program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operations.

4. Section 1.7 (11 F. R. 177A-519) is hereby amended to read as follows:

§ 1.7 *Office of Information.* The Office of Information is under the supervision and direction of the Director of Information. It is responsible for the general direction and coordination of all information activities within the Agency and for the establishment of unified informational policies and procedures within the Agency. The Office prescribes procedures for clearance of publications and other informational materials prepared by and for the use of the various organizations within the Federal Security Agency and in matters relating to informational activities, serves as clearance and liaison office in contacts with other agencies,

5. The first paragraph of § 1.21 (11 F. R. 177A-519-520) is hereby amended to read as follows:

§ 1.21 *Social Security Administration.* The Social Security Administration is under the supervision and direction of the Commissioner for Social Security. The Deputy Commissioner assists the Commissioner in the performance of all his duties and acts for him in his absence; the Deputy Commissioner is responsible for the effectuation, through the several bureaus and offices of the Administration, of the policies and decisions of the Commissioner, and for the coordination of all operations and activities of the Administration, and for the general direction of staff services. The Administration includes four operating bureaus, namely, Bureau of Old-Age and Survivors Insurance, Bureau of Employment Security, Bureau of Public Assistance, and the Children's Bureau; three staff bureaus, namely, Bureau of Accounts and Audits, Bureau of Research and Statistics, and Informational Service; the Office of the Actuary; the Office of the Appeals Council; the State Technical Advisory Service; Personnel and Business Management Service; and divisions or offices aiding the Deputy Commissioner directly in his responsibilities for coordination and budget preparation and control, direction of field operations, publications preparation and reviews, and staff training. In addition, the Commissioner has and performs, under the general supervision, direction and control of the Administrator, all duties, powers and functions relating to Civilian War Assistance vested in the Administrator by the Federal Security Agency Appropriation Act, 1947. The Administration maintains thirteen regional offices, each under the supervision of a Regional Director as representative of the Commissioner.

6. Part 1 is hereby amended by adding §§ 1.30 and 1.31.

§ 1.30 *Federal Security Agency Claims Board.* The Federal Security Agency Claims Board in the Office of the Federal Security Administrator, is composed of three members appointed by the Administrator, two of whom shall have been nominated by the General Counsel. The Administrator designates the Chairman. The Board is authorized, as the designee of the Administrator for the purpose, to perform the duties and exercise the authority vested in the Administrator by the Federal Tort Claims Act and to formulate and prescribe rules, regulations, procedures or instructions for investigating and otherwise handling throughout the Agency claims and situations out of which claims or suits may arise under the Federal Tort Claims Act and situations of the character contemplated by the Federal Tort Claims Act out of which claims or suits by the Government for damage to Government property may arise. All decisions of the Board are by majority vote. Any notice or writing required by sections 403 and 410 of the Federal Tort Claims Act to be served on the Agency or on a constituent organization or office thereof may be served on the Board.

§ 1.31 *Committee on Subversive Activities.* The Committee on Subversive Activities in the Office of the Federal Security Administrator, is composed of a Chairman, two other members, and an Executive Secretary, all of whom are appointed by the Administrator. The Committee investigates complaints of subversive activity on the part of employees of the Agency and makes reports to the Administrator together with recommendations as to appropriate action to be taken in each case. If the Committee finds that an employee may have engaged in activities of a subversive nature, the employee is furnished with a statement indicating the nature of the charge against him and he is provided with an opportunity to be heard. The Committee also cooperates with the Department of Justice and other Federal agencies or committees concerned with the investigation of subversive activities on the part of Federal employees.

The foregoing statement is ordered to be published in the *FEDERAL REGISTER* in compliance with section 3 of the Administrative Procedure Act.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator

[F. R. Doc. 47-668; Filed, Jan. 22, 1947;
8:53 a. m.]

PART 10—PUBLIC INFORMATION AND INSPECTION OF FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

MISCELLANEOUS AMENDMENTS

1. Section 10.1 (11 F. R. 177A-520) is hereby amended to read as follows:

§ 10.1 *Public information.* Information concerning the Federal Security Agency generally or the functions of the Federal Security Administrator, Assistant Administrator, Staff Offices and Operating Branches of the Agency may be obtained, and submittals or requests made in person or by letter at the Office of Administration, Federal Security Agency Federal Security Building, Washington 25, D. C. For places at which information may be obtained or submittals or requests made with respect to particular programs administered within the Federal Security Agency, see 20 CFR Chapter I, Part 01, Bureau of Employees' Compensation; 20 CFR 421.1 (b) 421.6 (b) Social Security Administration (Old-Age and Survivors Insurance) 21 CFR 1.3, Food and Drug Administration; 42 CFR 02.107, Public Health Service; 42 CFR 205.5, Children's Bureau; 42 CFR 300.1, Saint Elizabeths Hospital; 42 CFR 400.1, Freedmen's Hospital; 45 CFR 100.3, Office of Education; 45 CFR 200.7, Public Assistance; 45 CFR 300.7, Employment Security; 45 CFR 605.3, Office of Vocational Rehabilitation.

2. Section 10.5 (11 F. R. 177A-520) is hereby amended to read as follows:

§ 10.5 *Inspection of final opinions, orders and official records.* All final opin-

ions and orders of the Federal Security Administrator in the adjudication of cases, all rules and official records relating to particular programs administered within the Federal Security Agency are available for inspection in accordance with rules set forth at 20 CFR 01.5, 01.6, Bureau of Employees' Compensation; 20 CFR 422.2, 422.7, Social Security Administration (Old-Age and Survivors Insurance) 21 CFR 1.5, 1.6, Food and Drug Administration; 42 CFR 02.111, 02.112, Public Health Service; 42 CFR 205.6, 205.7, Children's Bureau; 42 CFR 300.5, Saint Elizabeths Hospital; 42 CFR 400.6, Freedmen's Hospital; 45 CFR 100.4, 100.5, Office of Education; 45 CFR 200.8, 200.9, Public Assistance; 45 CFR 300.8, 300.9, Employment Security; 45 CFR 605.4, 605.5, Office of Vocational Rehabilitation. Except as relates solely to internal management of the Agency, all other final opinions and orders in the adjudication of cases, all other rules and, as to persons properly and directly concerned, all other official records are available for inspection at the Office of Administration, Federal Security Agency, Federal Security Building, Washington 25, D. C., except that the Administrator, for good cause, may hold any official records, final opinion or order or any part thereof confidential, in which event such opinion, or order or part thereof will not be cited as a precedent.

The foregoing statement is ordered to be published in the *FEDERAL REGISTER* in compliance with section 3 of the Administrative Procedure Act.

(Sec. 12, 60 Stat. 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator

[F. R. Doc. 47-667; Filed, Jan. 22, 1947;
8:53 a. m.]

PART 30—ADMINISTRATIVE PROCEDURES AND FORMS

MISCELLANEOUS AMENDMENTS

1. Section 30.1 (11 F. R. 177A-520-521) is hereby amended to read as follows:

§ 30.1 *In general.* (a) The procedures and forms relating to the particular programs administered within the Federal Security Agency are set forth in 20 CFR Chapter III, Social Security Administration (Old-Age and Survivors Insurance), 21 CFR Chapter I, Food and Drug Administration; 42 CFR Chapter I, Public Health Service; 42 CFR Chapter II, Children's Bureau; 42 CFR Chapter III, Saint Elizabeths Hospital; 42 CFR Chapter IV, Freedmen's Hospital; 45 CFR Chapter I, Office of Education; 45 CFR Chapter II, Public Assistance; 45 CFR Chapter III, Employment Security; 45 CFR Chapter VI, Office of Vocational Rehabilitation.

(b) The procedures and forms, other than those relating to internal management, employed in connection with recruitment and employment of personnel are those prescribed by the United States Civil Service Commission. See Code of Federal Regulations, Title 5. The pro-

cedures and forms used in connection with the procurement of supplies and the making of contracts are those prescribed by the Procurement Division, Department of the Treasury, and other Federal agencies having jurisdiction. See Code of Federal Regulations, Title 41 (Public Contracts)

2. Section 30.2 (11 F. R. 177A-521) is hereby amended to read as follows:

§ 30.2 *Claims for damages.* (a) The Federal Security Agency Claims Board has been authorized, as the designee of the Federal Security Administrator for the purpose, to perform the duties and exercise the authority vested in the Administrator by the Federal Tort Claims Act. No formal procedures have been established for the consideration of claims for damage to or loss of property or injury to person alleged to have been caused by commissioned or civilian officers or employees of the Federal Security Agency while acting within the scope of their employment. Claims should be filed in writing within the time limit prescribed by law at the field office of the constituent organization of the Agency by which the officer or employees allegedly causing the damage is employed, at the departmental office of the constituent organization, or with the Federal Security Agency Claims Board, Federal Security Building, Washington 25, D. C.

(b) Upon receipt of a written claim, a form is mailed to the claimant at the address indicated in his claim. The form should be completed and returned together with a repair bill if the damage has been repaired, or if not repaired, with estimates of the cost of making the repairs. Separate estimates by three reputable individuals or concerns who are in the business of making the repairs required to remedy the damage allegedly caused by the officer or employee of the Agency should be submitted. If the property is destroyed or damaged beyond repair competent proof of the value of the property at the time of loss in addition to evidence of its original cost should be submitted. If personal injuries are involved, a complete medical statement and bills for such medical expenses as have been incurred should be submitted together with an itemized statement of all elements of the claim.

(c) In case of damages occasioned by collisions or incident to the operation of vessels of the Public Health Service, a board of investigation may be convened to investigate the accident. Notice of the creation of the investigatory board, if convened, is given to the claimant and he may submit pertinent and relevant evidence for its consideration. Upon receipt of the report of the field office, or in cases where an investigatory board has been convened, by the investigatory board, and the forms properly completed together with the other requisite information, the head of the constituent organization considers the claim and makes appropriate recommendations to the Federal Security Agency Claims Board indicating whether the claim should be allowed or disallowed, and if allowed, the amount that should be awarded. The Office of the General

Counsel reviews the contents of the file for legal sufficiency, after which they are considered by the Federal Security Agency Claims Board which may accept, reject, or modify the recommendations. The Federal Security Agency Claims Board may fix the attorney's fees to be paid to the claimant's attorney out of

but not in addition to amount awarded. The claimant is promptly notified of the action of the Federal Security Agency Claims Board.

The foregoing statement is ordered to be published in the FEDERAL REGISTER in compliance with section 3 of the Administrative Procedure Act.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-669; Filed, Jan. 22, 1947; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7976]

EDWARD HUTH

In re: Estate of Edward Huth, deceased. File No. D-28-9369; E. T. sec. No. 12417.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Rosine Grün, Albert Grün, Herman Grün, Ernst Grün, Hertha Grün, Erna Ahl, Martha Koenig, Josephine Baltin, Wilhelm Breidenbach, Mina Wiederspahn, and Josephine Schneider, and each of them, in and to the estate of Edward Huth, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Rosine Grün, Germany.
Albert Grün, Germany.
Herman Grün, Germany.
Ernst Grün, Germany.
Hertha Grün, Germany.
Erna Ahl, Germany.
Martha Koenig, Germany.
Josephine Baltin, Germany.
Wilhelm Breidenbach, Germany.
Mina Wiederspahn, Germany.
Josephine Schneider, Germany.

That such property is in the process of administration by Henry W. Riessick, as Executor of the estate of Edward Huth, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

And determined, that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

No. 16—4

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-571; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7977]

ALICE M. DEVANE KING

In re: Estate of Alice M. DeVane King, deceased. File D-28-8622; E. T. sec. 10315.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmitter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Alice M. DeVane King, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by M. Alston Keith, as Special Administrator, acting under the judicial supervision of the Circuit Court of Dallas County, Selma, Alabama, and the Probate Court of Dallas County, Selma, Alabama;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-627; Filed, Jan. 21, 1947; 8:50 a. m.]

[Vesting Order 7978]

JOHN D. LENORT

In re: Estate of John D. (J.D.) Lenort, deceased, File D-28-10221, E. T. sec. 14573.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Marie Lenort, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John D. (J.D.) Lenort, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Helen J. Harmon, as executrix, acting under the judicial supervision of the County Court of Comanche County, Lawton, Oklahoma;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-572; Filed, Jan. 20, 1947;
8:46 a. m.]

[Vesting Order 7919]

ANDREWS & GEORGE CO., INC.

In re: Debt owing to and personal property owned by Andrews & George Company, Inc. F-39-2362-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrews & George Company, Inc., the last known address of which is 5 Shiba Park, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation owing to Andrews & George Company, Inc., by Gardner-Denver Company, Quincy, Illinois, in the amount of \$1071.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Three—Model 34 Rock Drills complete with DM-35B Guide Shell Mountings, and three—DM-35B Guide Shell Mountings for Model 34 Drill, presently in the custody of B. C. Essig, 1727 East 39th Avenue, Denver, Colorado,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-674; Filed, Jan. 22, 1947;
8:46 a. m.]

[Vesting Order 7900, Amdt.]

ANNA E. T. TAGGESSELL

In re: Stocks and bank deposit owned by Anna E. T. Taggesell, also known as Anna Taggesell. F-28-648-D-1, F-28-648-D-2, F-28-648-D-3, F-28-648-E-1. Vesting Order 7900, dated October 14, 1946, is hereby amended as follows and not otherwise:

By deleting clause b. from subparagraph 2 of said Vesting Order and substituting therefor the following:

b. Ten shares of \$100 par value capital stock of Boston Edison Company, 182 Tremont Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by Certificate Number 202315, registered in the name of Miss Anna Taggesell, together with all declared and unpaid dividends thereon, and all rights thereunder and thereto.

All other provisions of said Vesting Order 7900 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-685; Filed, Jan. 22, 1947;
8:47 a. m.]

[Vesting Order CE 352]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA, DISTRICT OF COLUMBIA AND TEXAS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

| Column 1 Name | Column 2 Country or territory | Column 3 Action or proceeding | Column 4 Property | Column 5 Depository | Column 6 Sum vested |
|------------------------------|----------------------------------|--|----------------------|---|------------------------|
| Maria Lucci..... | Italy..... | <i>Item 1</i> Estate of Nicola Vincenzo Lucci, deceased, in the Orphans' Court of Allegheny County, Pittsburgh, Pa.; No. 7145 of 1944. | \$1,418.11 | Petter Title & Trust Co., Administrator, 411 Grant St., Pittsburgh, Pa. | \$12.00 |
| Ida Lucci..... | do..... | <i>Item 2</i> Same..... | 1,418.11 | do..... | 12.00 |
| Carlo Cucci..... | do..... | <i>Item 3</i> Estate of Filippo Cucci, deceased, in the Orphans' Court of Philadelphia County, Pa., No. 1440 of 1945. | 1,657.61 | The Real Estate Trust Co. of Philadelphia, Broad and Chestnut Sts., and Saveria Scolora, 1620 South 10th St., Philadelphia, Pa., Executors. | 6.00 |
| Giuseppe Cucci..... | do..... | <i>Item 4</i> Same..... | 843.50 | do..... | 5.00 |
| Letizia Cucci..... | do..... | <i>Item 5</i> Same..... | 843.50 | do..... | 5.00 |
| Anna Cucci..... | do..... | <i>Item 6</i> Same..... | 843.50 | do..... | 5.00 |
| Maria Cucci Gregori..... | do..... | <i>Item 7</i> Same..... | 843.50 | do..... | 5.00 |
| Filomena Sacco..... | do..... | <i>Item 8</i> Estate of Leonardo Mario Sacco, deceased, in the Orphans' Court of Philadelphia County, Pa., No. 1555 of 1949. | 1,635.44 | Ralph Zgrabko, Administrator, 704-66 Fox Bldg., Philadelphia, Pa. | 23.00 |
| Giorgio Sacco..... | do..... | <i>Item 9</i> Same..... | 133.44 | do..... | 12.00 |
| Immacolata Cirocco..... | do..... | <i>Item 10</i> Same..... | 133.44 | do..... | 12.00 |
| Alvira Di Filippo..... | do..... | <i>Item 11</i> Estate of Francesco Di Filippo, also known as Philip Rossi, deceased, in the District Court of the United States for the District of Columbia; Admin. No. 64578. | 624.85 | Abramo Di Filippo, Administrator, c/o Carl A. Marshall, 1459 New York Ave. N.W., Washington, D. C. | 13.00 |
| Santina Di Filippo..... | do..... | <i>Item 12</i> Same..... | 624.84 | do..... | 10.00 |
| Maria Enna Di Filippo..... | do..... | <i>Item 13</i> Same..... | 624.84 | do..... | 10.00 |
| Clementina Gianotti..... | do..... | <i>Item 14</i> Estate of Victor Gianotti, deceased, in the County Court for Probate, Bexar County, Tex.; No. 26135. | 1,760.64 | Florio J. Gianotti, Attorney-in-Fact, 1606 Kentucky St., San Antonio, Tex. | 20.00 |
| Pietro Gianotti..... | do..... | <i>Item 15</i> Same..... | 760.64 | do..... | 20.00 |
| Nello Gianotti..... | do..... | <i>Item 16</i> Same..... | 760.64 | do..... | 20.00 |
| Antonia Nicola Tristino..... | do..... | <i>Item 17</i> Estate of Bernard Tristino, deceased, in the Orphans' Court of Dauphin County, Pa. | 450.12 | Maurice R. Metzger, Administrator, 22 South 2d St., Harrisburg, Pa. | 22.00 |
| Filomena Tristino..... | do..... | <i>Item 18</i> Same..... | 450.12 | do..... | 22.00 |

¹ Life interest.

[F. R. Doc. 47-526; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7987]

ERTEL BIEBER & CO.

In re: Bank account owned by Ertel Bieber & Co. F-28-25139-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ertel Bieber & Co., the last known address of which is 10 Hamburg, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Ertel Bieber & Co., by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles, California, arising out of a checking account, entitled Ertel Bieber & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-676; Filed, Jan. 22, 1947;
8:46 a. m.]

[Vesting Order 7988]

GERTRUD FREY

In re: Stock and bank account owned by Gertrud Frey. F-28-2187-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Frey, whose last known address is c/o Dr. H. W. Renkl, Hauptstrasse 78, Hafenlohr a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Twenty-five (25) shares of \$20 par value 7% cumulative preferred capital stock of Cincinnati Car Corporation, evidenced by certificate number 2693 registered in the name of Gertrud Frey, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value Class B capital stock of Cincinnati Car Corporation, evidenced by certificate number 2900 registered in the name of Gertrud Frey, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Gertrud Frey, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled Gertrud Frey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-677; Filed, Jan. 22, 1947;
8:46 a. m.]

[Vesting Order 7979]

WILLIAM BEIER

In re: Estate of William Beier, deceased. File D-28-10023; E. T. sec. 14215.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Klasse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William Beier, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Robert Cooke, as Administrator, acting under judicial supervision of the Circuit Court of the State of Oregon for Multnomah County;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-628; Filed, Jan. 21, 1947;
8:49 a. m.]

[Vesting Order 7980]

THERESA KLEMENT CRANE

In re: Estate of Theresa Klement Crane, deceased. File D-28-10556; E. T. sec. 14946.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herrman Wiesler and Adolf Wiesler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Theresa Klement Crane, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Alma M. Clement, as executrix, acting under the judicial supervision of the County Court of Polk County, Bartow, Florida;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942,

3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-675; Filed, Jan. 22, 1947;
8:46 a. m.]

[Vesting Order 7994]

ANNA LUISE NEUHOFFER ET AL.

In re: Bank accounts owned by Anna Luise Neuhofer, Jakob Neuhofer, Konrad Neuhofer, Michael Georg Neuhofer, and Margarete Schorr.

Under the authority of the Trading with the Enemy act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Luise Neuhofer, Jakob Neuhofer, Konrad Neuhofer, Michael Georg Neuhofer, and Margarete Schorr, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Those certain debts or other obligations of Bank of American National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of savings accounts, the account numbers of which are set forth in Exhibit A, attached hereto and by reference made a part hereof, entitled in the manner set forth in the aforementioned Exhibit A, which accounts are beneficially owned by the persons whose names appear opposite the aforesaid account numbers, maintained at the branch office of the aforesaid bank

EXHIBIT A

| Title of account | Account No. | Beneficial owner | APC file number |
|--|-------------|----------------------------|----------------------------------|
| L. F., or Tom F. Chapman, Trustees for Anna Luise Neuhofer. | 5278 | Anna Luise Neuhofer..... | F-23-3773-C-1 F-23-3773-E-1 |
| L. F. and/or Tom Chapman, Trustees for Jakob Neuhofer. | 5273 | Jakob Neuhofer..... | F-23-3783-C-1 F-23-3783-E-1 |
| L. F. and/or Tom Chapman, Trustees for Konrad Neuhofer. | 5237 | Konrad Neuhofer..... | F-23-3781-C-1 F-23-3781-E-1 |
| L. F. and/or Tom Chapman, Trustees for Michael Georg Neuhofer. | 5230 | Michael Georg Neuhofer.... | F-23-3782-C-1 F-23-3782-E-1 |
| L. F. and/or Tom Chapman, Trustees for Margarete Schorr. | 5237 | Margarete Schorr..... | F-23-17501-C-1 F-23-17501-E-1 |

[F. R. Doc. 47-680; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 8000]

TSUGI UYEKI

In re: Debt owing to Tsugi Uyeki. D-39-14814-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugi Uyeki, whose last known address is Tochigi-Ken, Haga-Gun, Mogi-Machi, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-683; Filed, Jan. 22, 1947;
8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-1371]

ACCIDENT AT JONES BEACH, LONG ISLAND, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 21746 which occurred at Jones Beach, Long Island, New York, on January 5, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, January 24, 1947, at 9:00 a. m. (local time) in Parlor A, 3d Floor of Hotel New Yorker, New York.

Dated at Washington, D. C., January 17, 1947.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-681; Filed, Jan. 22, 1947;
8:51 a. m.]

2. That the property described as follows: That certain debt or other obligation, owing to Tsugi Uyeki, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, in the amount of \$821.77, as of December 31, 1945, evidenced by Dividend Check Number 1704, dated November 15, 1945, which check is presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all accruals to the aforesaid debt or other obligation, and any

[Docket No. SA-136]

ACCIDENT AT CARMEL, N. J.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 50046 which occurred at Carmel, New Jersey, on January 5, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, January 23, 1947, at 9:00 a. m. (local time) in the East Room, 4th Floor of Hotel New Yorker, New York.

Dated at Washington, D. C., January 17, 1947.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-662; Filed, Jan. 22, 1947;
8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5337]

H. WALLACE JOHNSTON

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, February 4, 1947, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 236, Federal Building, Miami, Florida.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-664; Filed, Jan. 22, 1947;
8:51 a. m.]

[Docket No. 5469]

ADVANCE REALTY CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of January A. D. 1947.

In the matter of Advance Realty Corporation, formerly California Sea Food Co., Inc., a corporation, and its officers and directors; California Sea Food Corporation, a corporation, and its officers and directors; Hunt Foods, Inc., formerly Hunt Brothers Packing Company, a corporation, and its officers and directors; and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Evelyn Simon Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, minor, Norton Simon, as guardian of the estate of Donald Ellis Simon, minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, minor, Harold C. Brooks and Evelyn Simon Brooks, as guardians of the estate of Linda Joyce Brooks, minor, individually and as their interests appear, as partners trading and doing business under the fictitious firm name Val Vita Food Products, as former officers, directors and controlling stockholders of Val Vita Food Products, Inc., a corporation now dissolved, as partners formerly trading and doing business under the fictitious firm name California Sea Food Company, and as controlling stockholders of Advance Realty Corporation, formerly California Sea Food Co., Inc., California Sea Food Corporation and Hunt Foods, Inc., formerly Hunt Brothers Packing Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, March 11, 1947, at two o'clock in the afternoon of that day (Central Standard Time) in Hearing Room, United States Post Office Building, Jackson, Mississippi.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion

presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-666; Filed, Jan. 22, 1947;
8:51 a. m.]

[Docket No. 5067]

CELCURE WOOD PRESERVING CORP.

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, January 29, 1947, at ten o'clock in the forenoon of the day (Eastern Standard Time), in Room 401, Post Office Building, Jacksonville, Florida.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-665; Filed, Jan. 22, 1947;
8:51 a. m.]

INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 84]

RECONSIGNMENT OF AVOCADOS AT KANSAS
CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for

any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kan., January 16, 1947, of car SFRD 8069, avocados, now on the A. T. & S. F. Ry., to Chicago, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-653; Filed, Jan. 22, 1947;
8:48 a. m.]

[S. O. 396, Special Permit 85] ~

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., January 16, 1947, by Ziegler Produce Co., of car URTX 81561, lettuce, now on the C. R. I. & P. RR., to Al Keiser & Co., New York, N. Y.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-655; Filed, Jan. 22, 1947;
8:48 a. m.]

[S. O. 396, Special Permit No. 86]

RECONSIGNMENT OF BEANS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first order-

ing paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 16, 1947, by National Marketing Service, Inc., of car FGE 35039, beans, now on the Pennsylvania R. R. (Pennsylvania Produce Terminal) to Irving J. Okun, Pier 29, New York, N. Y. (P. R. R.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-654; Filed, Jan. 22, 1947;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-68 and 59-55]

COMMUNITY GAS AND POWER CO., ET AL.

ORDER APPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of January A. D. 1947.

In the matter of Community Gas and Power Company, American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, respondents, File No. 59-55.

The Commission on February 27, 1946, and on April 10, 1946, having issued its findings and opinion and its supplemental findings and order approving a modified plan of reorganization filed, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, by Community Gas and Power Company ("Community") and American Gas and Power Company ("American"), registered holding companies;

The Commission on April 11, 1946, at the request of Community and American, having instituted proceedings, pursuant to the provisions of sections 11 (e) and 18 (f) of the act, in the District Court of the United States for the District of Delaware to enforce and carry out the terms and provisions of said plan, the hearing in said proceedings having been adjourned by order of said Court to a date to be fixed by further order of said Court;

Community and American thereafter having filed an amendment to said plan, designated as Amendment No. 14; and

The Commission having this day issued its supplemental findings and opinion, in accordance with said findings and opinion;

It is ordered, Pursuant to section 11 (e) of the act, that said Amendment No. 14 be and it is hereby approved and said plan as modified and amended be and it is hereby approved, subject, however, to the terms and conditions specified in our order of April 10, 1946.

It is further ordered and recited; That the issues, exchanges, conveyances and dissolutions specified and itemized in the plan, as amended and modified, are necessary or appropriate to the integration or simplification of the holding company system of which Community, American and Minneapolis are members, and are necessary or appropriate to the effectuation of the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission. -

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-635; Filed, Jan. 22, 1947;
8:53 a. m.]

[File No. 70-1429]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND DEDHAM AND HYDE PARK GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of January 1947.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("New England"), a registered holding company, and by its wholly-owned subsidiary, Dedham and Hyde Park Gas Company. Sections 6 (b) and 10 of the act and Rule U-20 thereunder are designated as being applicable to the proposed transaction.

Notice is further given that any person may, not later than January 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street., Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the

office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. Dedham proposes to issue and sell to its parent, New England, 6,000 additional shares of common capital stock at the par value of \$25 per share (total proceeds \$150,000) and to use the proceeds thus realized for the purpose of paying the \$150,000 principal amount of open account indebtedness owing to New England.

2. Dedham proposes to issue and sell privately to Massachusetts Mutual Life Insurance Company \$125,000 principal amount of 3½% Serial Notes, Series A due 1961, at 102¼. Said notes are to be issued under an Indenture of Trust naming the Old Colony Trust Company as Trustee. The net proceeds to be realized from the sale of the note issue, together with \$87,140 to be drawn from the company's Plant Replacement Fund Asset's Account, will be used to pay a short-term note in the amount of \$25,000 payable to The First National Bank of Boston and to finance extensions, additions and improvements to Dedham's plant and properties during the three year period ended December 31, 1948.

Applicants state that the proposed transactions were expressly authorized by the Massachusetts Department of Public Utilities by order, dated December 10, 1946.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-636; Filed, Jan. 22, 1947;
8:52 a. m.]

[File No. 70-1437]

ELECTRIC BOND AND SHARE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of January A. D. 1947.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company (Bond and Share) a registered holding company. Applicant-declarant has designated sections 9 (a) 10 and 12 (d) of the act and Rule U-44 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 27, 1947, at 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Phila-

delphia 3, Pennsylvania. At any time after 11:00 a. m., e. s. t., January 27, 1947, such application and declaration, as filed or as amended, may be granted and may become effective, respectively, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Bond and Share's Plan II-A, as amended, approved by the Commission on September 6, 1946, provided, among other things, that the company offer to its common stockholders warrants evidencing the right to purchase for each share of the common stock of Bond and Share held, .16 of a share of the common stock of American Gas and Electric Company (American) and .20 of a share of the common stock of Pennsylvania Power & Light Company (Pennsylvania). The company set January 17, 1947 as the record date for determining the common stockholders of the company who shall be entitled to receive such warrants and it is anticipated that the offering period will be in the early part of February 1947, although exact dates have not yet been determined. The offering period will commence on the day following the date on which notice thereof together with the warrants are mailed to the company's stockholders and will remain open for a period of 18 days.

The price at which the American and Pennsylvania common stocks will be offered will be a price (reduced by any amount necessary to equal the nearest one-quarter dollar) equal to \$7 and \$3.50 less, respectively, than the closing sale price of such stocks on the New York Exchanges on the day (to be selected by the company) which shall not be more than 16 days immediately preceding the first day of the offering period.

In the present application and declaration, Bond and Share requests permission to purchase at any time during the offering period common stock of American and Pennsylvania and warrants to be issued by Bond and Share in connection therewith, for the purpose of stabilizing the market prices of these securities. Any purchases by Bond and Share for the purpose of such stabilization will commence as to the common stock of American at a price (exclusive of commissions) not in excess of \$7 per share above the offering price of said stock to the common stockholders of Bond and Share or the last preceding sale price of said stock on the New York Stock Exchange, whichever is lower; and as to the common stock of Pennsylvania, at a price not in excess of \$3.50 per share above the offering price of said stock to the common stockholders of Bond and Share or the last preceding sale price of said stock on the New York Stock Exchange, whichever is lower. Any purchase of warrants of these securities will commence at a price not in excess of the price at which the last pre-

ceding sale of such rights was made on the New York Curb Exchange, or in the event no preceding sale has occurred, such initial purchase will be made at a price not in excess of the computed value of the rights based on differential between the offering price of the security and the last preceding sale price of such security on the respective New York Exchanges on which they are traded.

Bond and Share also requests permission to sell, during the offering period, the shares of stocks or warrants so acquired, by sales on or off the Exchanges. Any sales of stock effected off the Exchanges are to be at a price substantially equivalent to the last sales price during the day on the respective New York Exchanges where such stocks are traded. Any sale of warrants will be effected at prices not exceeding the current prices thereof quoted on the New York Curb Exchange.

The purchase by the company of warrants which are not thereafter resold will constitute a withdrawal by the company of certain shares of American and Pennsylvania from the proposed offering to its common stockholders. The company, therefore, also requests permission to sell during the offering period the number of shares of common stock of American or Pennsylvania which the rights purchased by the company (and not thereafter resold) entitle the holder thereof to purchase.

In connection with the stabilization transactions relating to the common stock of American and Pennsylvania, Bond and Share represents that it will at no time acquire a net long position (exclusive of shares presently owned by the company and not being offered to common stockholders) of shares of common stock of either American or Pennsylvania in excess of 10% of the aggregate number of shares of common stock of each of said companies being offered to its common stockholders. If the company retains any of the shares so acquired after the termination of the offering period, it will sell such shares in accordance with the provisions of Plan II-A, as amended, relating to any shares of such stock not offered to, or not purchased by, Bond and Share common stockholders.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Bond and Share also requests that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II-A, as amended.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-637; Filed, Jan. 23, 1947;
8:52 a. m.]